Historic, archived document

Do not assume content reflects current scientific knowledge, policies, or practices.

LEGISLATIVE HISTORY

Public Law 88-203
S. 1703

TABLE OF CONTENTS

Index and summary of S. 1703 1
Digest of Public Law 88-203 2

INDEX AND SUMMARY OF S. 1703

June 11, 1963	Sen. Allott introduced and discussed S. 1703 which was referred to the Senate Agriculture and Forestry Committee. Print of bill and remarks of author.
July 17, 1963	Senate committee voted to report S. 1703.
July 22, 1963	Senate committee reported S. 1703 with amendment. S. Report No. 372. Print of bill and report.
July 30, 1963	Senate made S. 1703 its unfinished business.
July 31, 1963	S. 1703 recommitted to Agriculture and Forestry Committee.
Aug. 1, 1963	Senate committee voted to report S. 1703.
Aug. 6, 1963	Senate committee reported S. 1703 with an amendment. S. Report No. 391. Print of bill and report.
Aug. 14, 1963	Senate made S. 1703 its unfinished business.
Aug. 15, 1963	Senate passed S. 1703 with amendment.
Aug. 19, 1963	S. 1703 was referred to House Agriculture Committee. Print of bill as referred.
Aug. 21, 1963	Rep. Purcell introduced H. R. 8195 which was referred to the House Agriculture Committee. Print of bill as introduced.
Aug. 27, 1963	House committee voted to report H. R. 8195.
Sept. 6, 1963	House committee reported H. R. 8195 without amendment. H. Report No. 722. Print of bill and report.
Oct. 9, 1963	Rules Committee voted to report resolution for consideration of H. R. 8195.
Oct. 10, 1963	House Rules Committee reported resolution for consideration of H. R. 8195. H. Res. 544, H. Rept. 843. Print of resolution and report.
Oct. 31, 1963	House passed H. R. 8195 without amendment; vacated action and passed S. 1703 with amendment (in lieu of H. R. 8195). H. R. 8195 laid on table.
Nov. 15, 1963	Sen. McCarthy recommended that Senate insist on conference on S. 1703.
Dec. 3, 1963	Senate debated Sen. Ellender motion to concur in House amendment to S. 1703.
Dec. 4, 1963	Senate concurred in House amendment to S. 1703.
Dec. 13, 1963	Approved: Public Law 88-203.

S. 1703

88TH CONGRESS
1ST SESSION

S. 1703

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1963

Mr. ALLOTT (for himself and Mr. DOMINICK) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

88TH CONGRESS
1ST SESSION

S. 1703

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. ALLOTT and Mr. DOMINICK

JUNE 11, 1963
Read twice and referred to the Committee on Agriculture and Forestry

discretionary authority, and we should more fully define the congressional intent and policy on that question.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Does the Senator from New Jersey yield back the remainder of his time?

Mr. WILLIAMS of New Jersey. I desire to make only one further observation. The amendment would specify extra hazardous employment to include only the operation of power-driven machinery and work around poisonous materials such as insecticides. I feel that the Secretary should have the authority to define other extra hazardous work, such as working on, rather than operating, giant combines and other such equipment. Therefore, I oppose the amendment.

I am sure the Secretary in his wisdom——

Mr. TOWER. Mr. President, will the Senator yield for a comment on that point? I believe giant combines would be classified as power-driven machinery.

Mr. WILLIAMS of Delaware. The problem is the word "operate." Much of the employment would be on, but not operating, machinery. That is the problem I have with the amendment.

In the area of insecticides, sprays, and dangerous power-driven machinery, we can be confident that the Secretary would very thoughtfully consider those areas and give his careful definitions of extra hazardous work in agriculture.

I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment offered by the Senator from Texas.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to further amendment.

THE PHILOSOPHY OF TRUE, BASIC CONSERVATISM

Mr. ALLOTT. Mr. President, by the tongues of some who seek to incite—and by the actions of a misled few—conservatism, as a philosophy of government, is becoming in the minds of many a barrier to progress. Nothing could be further from the picture actually projected by the philosophy of true, basic conservatism. It is just that, in this age of impatience, progress we find often is defined merely as velocity. Motion, not order, has become obsessive to many. And action, not wisdom, seems to have become a status symbol.

Principled conservatism provokes and promotes progress—sound progress—by taking those changes dictated by time and conditions, mixing them well with the best of the past and coming up with a blend that will allow sound and rational fulfillment of the present-day aims of man.

On June 1, on the editorial page of the Pueblo, Colo., Star Journal-Chieftain, there appeared an editorial on this subject which, in my opinion, points up most forcefully and succinctly the importance of true conservatism to the orderly adoption of the indicated social and economic changes which progress demands. I commend Mr. Frank Hoag and his editorial staff on the Star Journal-Chieftain for this very well done editorial and for the advocacy of progress rather than mere velocity; orderly growth rather than simple motion; and wisdom rather than action for the sake of action alone.

Mr. President, I ask unanimous consent that the editorial to which I have referred appear in the RECORD immediately following my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VOLCANO OF HUMAN AFFAIRS CONTROLLED BY CONSERVATIVES

Historians and social scientists probably would agree that most adaptations to important social and economic change have been reasonably managed by conservatives—in America and much of the Western world.

The idea that conservatism somehow operates as a bar to progress just does not fit the facts of history.

Through a great part of America's growth, for example, conservative political figures have been in control. Does anyone dare to suggest that this country stood still in that long, long span?

We all know that we did not.

Many years ago some social scientists devoted a hard weekend of thinking to the problem of how change is managed. The consensus was that generally it occurs through a process of "gradualism."

Not only American history, but British was cited in illustration. The celebrated British capacity for "muddling through" was seen as a curious talent for effective management of gradual change.

What this amounts to is the ability to judge when the buildup of particular problems has reached the stage where intelligent action is called for. If that action comes, social tensions are eased, and the society moves ahead without undue strain.

Grave trouble comes, say the historians and social scientists, when men in power try to put a lid on change. Then the result may be not peaceful advance but violent explosion.

The French Revolution was such an instance in history. French monarchs had sought for a century or more to arrest the processes of change. Finally the lid blew off.

The sad facts about the violent outbursts is that they almost inevitably lead to excesses which are avoided by the process of sane gradualism. Thereafter valuable energies can be consumed in correcting the excesses.

Those who try to block all change—and who thereby set the scene for social explosions—are not responsible conservatives at all. They are radicals of a sort, as extreme as the radicals at the leftward end.

The radical "conservatives" no doubt persuade themselves that they are busy "preserving the values of the past." But a course which tries to preserve these at the cost of all change leads only to their ultimate destruction by explosion.

Some who resist change believe sincerely they are not simply keeping the status quo for themselves but handing down a "sound heritage" of unchanging values to their descendants and successors. What they are really handing down is the certainty of an explosion.

The instinct of intelligent conservatives is to keep the processes of change under sensible control, to blend the best of the past with elements of the new, to make sure that escape valves for society's tensions are always at work. A people thus guided moves ahead rationally, if slowly.

But total resistance is like a cap on a volcanic cone. Beneath the cap, great counterforce builds. When the inevitable violent upthrust comes, it may engulf everything around the cone—good and bad.

We in America—and our friends in the free West—must thank our stars that we have most often been led by men who could see the peril of total resistance, and chose instead to keep us moving slowly but surely ahead.

THE BRACERO PROGRAM

Mr. ALLOTT. Mr. President, for myself and my colleague [Mr. DOMINICK] I introduce for appropriate reference a bill which pertains to one facet of the bill now before the Senate.

A few days ago the other body had before it for consideration a 2-year extension of the bracero program, and at that time defeated the extension by a narrow margin. On that particular day, there were many absences from the other body.

I had considered offering an amendment to the bill, S. 523, now before the Senate, to extend the so-called bracero program for a period of 1 year, but because there had not been an opportunity for hearings I have decided to introduce it as a bill, and therefore have sent it to the desk. It was originally intended to be an amendment to the bill now before the Senate.

As I say, on May 29 the other body considered H.R. 5497, and that bill was defeated. There are many States in this Union which depend to a great extent upon the importation of farm labor into this country. It is not such a simple matter that one could say, "We should not let those from outside the country come in to do this labor." For much of this labor, such as weeding and picking, it is impossible to obtain workers in the Western States.

There are many farmers in my State of Colorado and in many of the other States of the country—including the Midwest, the West, and the South—who are concerned about extension of the bracero program. They need the help which can be rendered by workers in the production and harvesting of crops such as lettuce, carrots, pickles, sugarbeets, tomatoes, cotton, peaches, berries, and other fruits and vegetables.

The House report on H.R. 5497 shows that during 1962 Mexican nationals were employed in 21 States as follows: Arizona, 16,906; Arkansas, 12,410; California, 127,002; Colorado, 10,372; Illinois, 113; Indiana, 587; Iowa, 174; Kansas, 142; Michigan, 13,327; Minnesota, 39; Montana, 1,814; Nebraska, 2,119; Nevada, 66; New Mexico, 2,144; Oregon, 365; South Dakota, 98; Tennessee, 165; Texas, 36,289; Utah, 640; Wisconsin, 778; Wyoming, 1,398.

This has been a very useful law, especially for the small farmers. There are, of course, safeguards in the law which protect domestic workers. We must be concerned about those.

No Mexican nationals can be employed in this country, unless the Secretary of Labor certifies that the following conditions exist: First, domestic workers able, willing, and qualified are not available: second, the employment of Mexican

workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and third, reasonable efforts have been made to attract domestic workers at comparable wages.

Nor has Public Law 78 been only a one-sided affair. Our good neighbor to the south, Mexico, has benefited by the operation of the law.

I have personally visited many of the habitations where the braceros are employed in my own State. In my opinion, in most instances they represent at least 100 percent, if not 200 percent, better living conditions than the same people would enjoy in their own country, which they leave to find employment in the United States.

I seriously doubt that many farmers who grow the crops of tomatoes, lettuce, sugarbeets, and the like can continue to operate without the seasonal help which Public Law 78 provides. Under any circumstances, these farmers cannot, overnight, change their farming methods and secure alternate arrangements, such as mechanization. Moreover, there are several crops; namely, pickles and tomatoes, which today require hand labor. These two crops are not amenable to mechanization, insofar as harvesting is concerned. In fact, I am advised that the development of mechanical harvesting equipment for these two crops is presently the subject of major research projects.

Public Law 78 will expire of its own terms at the end of this year, unless an extension is enacted. There is an urgent need to continue the program and we have an opportunity to do so by the proposed legislation I am introducing. This would allow Congress a reasonable time to reexamine its position under Public Law 78 to see where we should go from this point.

I ask unanimous consent that the bill may be printed in the RECORD and may be held at the desk through tomorrow for such additional sponsors as may wish to join.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD, and held at the desk, as requested by the Senator from Colorado.

The bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, introduced by Mr. ALLOTT (for himself and Mr. DOMINICK), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

AMENDMENT OF FAIR LABOR STANDARDS ACT

The Senate resumed the consideration of the bill (S. 523) to amend the Fair Labor Standards Act to extend the child labor provisions thereof to certain children employed in agriculture, and for other purposes.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MILLER. What is before the Senate?

The PRESIDING OFFICER. S. 523, to amend the Fair Labor Standards Act.

The bill is open to amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 523) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13(c) of the Fair Labor Standards Act of 1938 is amended to read as follows:

"(c)(1) The provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee is—

"(A) employed by his parent, or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or

"(B) is 14 years of age or over, or

"(C) is 12 years of age or over and is employed on a farm to which he commutes daily from his permanent residence, and (i) such employment is with the written consent of his parent or person standing in place of his parent, or (ii) his parent or person standing in place of his parent is also employed on the same farm.

"(2) No employee below the age of 18 may be employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below age 18, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

"(3) The provisions of section 12 relating to child labor shall not apply to any child employed as an actor or performer in motion pictures or theatrical productions, or in radio or television productions."

Mr. WILLIAMS of New Jersey. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOUGLAS. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

FARM LABOR CONTRACTOR REGISTRATION ACT OF 1963

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 184, Senate bill 524.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 524) to provide for the registration of contractors of migrant agricultural workers, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Labor and Public Welfare with amendments on page 3, line 2, after the word "operator," to strike out "or nurseryman" and insert "nurseryman, freezer, or cold storage operator"; on page 6, line 4, after the word "filed", to insert "or give satisfactory assurance that he will file"; and on page 8, line 19, after the word "Every", to strike out "migrant agricultural" and insert "farm"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Farm Labor Contractor Registration Act of 1963".

CONGRESSIONAL FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of the migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural laborers, and the public generally, and that, as a result of the use of the channels and instrumentalities of interstate commerce by such irresponsible contractors, the flow of interstate commerce has been impeded, obstructed, and restrained.

(b) It is therefore the policy of this Act to remove the impediments, obstructions, and restraints occasioned to the flow of interstate commerce by the activities of such irresponsible contractors by requiring that all persons engaged in the activity of contracting for the services of workers for interstate agricultural employment comply with the provisions of this Act and all regulations prescribed hereunder by the Secretary of Labor.

DEFINITIONS

SEC. 3. As used in this Act—

(a) The term "person" includes any individual, partnership, association, joint stock company, trust, or corporation.

(b) The term "farm labor contractor" means any person, who, for a fee, either for himself or on behalf of another person, recruits, solicits, hires, furnishes, or transports ten or more migrant workers (excluding members of his immediate family) at any one time in any calendar year for interstate agricultural employment. Such term shall not include (1) any nonprofit charitable organization, public or nonprofit private educational institution, or similar organization; (2) any farmer, processor, canner, ginner, packing shed operator, nurseryman, freezer, or cold storage operator who engages in any such activity for the purpose of supplying migrant workers solely for his own operation; (3) any full-time or regular employee of any entity referred to in (1) or (2) above; or (4) any person who engages in any such activity for the purpose of obtaining migrant workers of any foreign nation for employment in the United States if the employment of such workers is subject to (A) an agreement between the United States and such foreign nation, or (B) an arrangement with the government of any foreign nation under which written contracts for the employment of such workers are provided for and the enforcement thereof is provided for in the United States by an instrumentality of such foreign nation.

(c) The term "fee" includes any money or other valuable consideration paid or promised to be paid to a person for services as a farm labor contractor.

(d) The term "interstate agricultural employment" means employment in any service or activity included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(f)), or section 3121(g) of the Internal Revenue Code

July 17, 1963

SENATE

13. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) ~~without amendment H. J. Res. 403, to extend the time by which a lease transferring a tobacco acreage allotment may be filed with ASC County Committee; S. 1604, to permit a rice producer permanently withdrawing from rice production to transfer his history without transferring his land~~; and S. 1703, to extend until Dec. 31, 1964, the Mexican farm labor program. p. D535

14. FORESTRY. The Public Lands Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendments S. 27, to provide establishment of the Canyonlands National Park, Utah. This bill involves a question of access rights-of-way to the proposed Park over certain national-forest lands; and S. 653, to provide for administration of the Lake Mead National Recreation Area, Ariz. and Nev. p. D536

15. WATER. The Public Works Committee voted to report (but did not actually report) with amendment H. R. 6016, authorizing additional appropriations for prosecution of certain river basin plans for flood control, navigation, and other purposes by the Corps of Engineers, Army. p. D536

16. DAIRY. The "Daily Digest" states that the Agriculture and Forestry Committee announced that it would take action on pending dairy legislation on Wed., Aug. 7. p. D535

17. WATERSHEDS. The "Daily Digest" states that the Agriculture and Forestry Committee approved the following two watershed projects: Johns Creek, Va., and Upper Deckers, W. Va. p. D535

ITEMS IN APPENDIX

18. ELECTRIFICATION. Extension of remarks of Rep. Saylor criticizing the "unilateral action of the Secretary of the Interior to extend the Bonneville Power Administration power marketing area into southern Idaho and parts of Wyo., Utah and Nev. pp. A4488-9

Extension of remarks of Rep. Westland urging passage of his bill to give customers in the Pacific Northwest first call on power produced over any customer outside the area. pp. A4491-2

19. YOUTH EMPLOYMENT. Extension of remarks of Rep. Bolling inserting the letter and resolution from the U. S. Conference of Mayors supporting establishment of a National Youth Conservation Corps and a National Service Corps. p. A4491

20. NATIONAL PARKS. Extension of remarks of Rep. Westland opposing establishment of a third national park in Wash. as removing multiple use of the State's natural resources and recreational wildlife programs as applied in the national forests being replaced by the single-use concept of a national park. pp. A4500-1

21. POLLUTION. Extension of remarks of Rep. Dingell urging passage of his bill to authorize Interior to initiate civil actions for damages and injunctive relief where pollution destroys and injures fish and wildlife resources. p. A4510

BILLS INTRODUCED

22. PAY INCREASE. H. R. 7627, by Rep. Broyhill, Va., H. R. 7629, by Rep. Daniels, H. R. 7630, by Rep. Ellsworth, and H. R. 7634, by Rep. Miller, Calif., to adjust the rates of basic compensation of certain officers and employees in the Federal Government; to Post Office and Civil Service Committee.

23. INSECT CONTROL. H. R. 7628, by Rep. Colmer, to provide for the control of mosquitoes and mosquito vectors of human disease through research, technical assistance, and grants-in-aid for control projects; to Interstate and Foreign Commerce Committee.

24. PUBLIC WORKS. H. R. 7631, by Rep. Flood, to amend the Public Works Acceleration Act to increase the authorization for appropriations under that act; to Public Works Committee.

25. WHEAT. H. R. 7633, by Rep. Hutchinson, to adjust wheat and feed grain production, to establish a cropland retirement program; to Agriculture Committee.

BILL APPROVED BY THE PRESIDENT

26. WHEAT. S. 762, to increase the acreage allotment for durum wheat in the Tulelake area, Calif., from 8,000 to 12,000 acres for one year. Approved July 17, 1963 (Public Law 88-64).

0

COMMITTEE HEARINGS JULY 18:
Effects of pesticides on human health, S. Gov't Operations (outside witnesses).
Establishment of land and water conservation fund, H. Interior (exec., to mark up).
Proposed National Service Corps, H. Labor.
Manpower retraining, S. Labor.
Civil defense fallout shelters, H. Armed Services (exec).
Manpower Development and Training Act of 1962, H. Labor.
National research data processing and information retrieval center, H. Labor.

oOo

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued July 23, 1963
For actions of July 22, 1963
88th-1st; No. 110

CONTENTS

Adjournment.....19
Appropriations.....7
Consumers.....1
Cotton.....14
Electrification.....22
Employment.....2,13
Farm labor.....3
Federal aid.....25
Fisheries.....6
Foreign aid.....16
Foreign trade.....14
Fruits & vegetables.....9
Grain.....9
Interest rates.....23
Lands.....26
Labor relations.....9
Legislative program.....18
Lumber.....21
National Service Corps..11
Personnel.....2,24
Public debt.....15
Rice.....4
Samoa.....17
School lunch.....8
Taxation.....12
Tobacco.....5,27
Transportation.....21
Weather.....10
Wheat.....20

HIGHLIGHTS: Senate passed bill for transfer of rice acreage allotments. Senate committee reported bill for extension of Mexican farm labor program. Sen. Javits inserted article critical of export expansion program. Senate subcommittee voted to report Labor-HEW appropriation bill. House committee reported quality stabilization bill. Rep. Findley inserted editorial critical of Secretary Freeman's attitude on new wheat legislation.

HOUSE

1. CONSUMERS. The Interstate and Foreign Commerce Committee reported with amendment H. R. 3669, to promote quality and price stabilization (H. Rept. 566). p. 12310

2. PERSONNEL. The Education and Labor Committee reported with amendment H. R. 405, the proposed Federal Equal Employment Opportunity Act (H. Rept. 570). p. 12310

Received from the Federal Aviation Agency a proposed bill relating to the transportation of the remains, families, and effects of Federal employees dying abroad, so as to restore the benefits of such act to employees dying in Alaska and Hawaii; to Post Office and Civil Service Committee. p. 12310

SENATE

3. FARM LABOR. The Agriculture and Forestry Committee reported with an amendment S. 1703, to extend the Mexican farm labor program (S. Rept. 372). p. 12312

4. RICE. Passed without amendment S. 1604, to permit a rice producer permanently withdrawing from rice production to transfer his rice acreage history without requiring him to transfer his land. p. 12350

5. TOBACCO. Passed without amendment H. J. Res. 403, to extend the time by which a lease transferring a tobacco acreage allotment may be filed with the ASC County Committee. The bill provides that the lease must have been agreed upon prior to the normal planting time in the county, or June 15, whichever is earlier, and filed in writing in the county office within twenty days after the date this bill becomes law. This bill will now be sent to the President. pp. 12353-4

6. FISHERIES. Passed with amendment S. 627, to authorize Federal grants to States for the development of commercial fisheries. pp. 12348, 12356,-72

7. APPROPRIATIONS. A subcommittee of the Appropriations Committee approved (on July 19) for full committee consideration with amendments H. R. 5888, the Departments of Labor and Health, Education, and Welfare appropriation bill for 1964. p. D550

8. SCHOOL LUNCH. Passed without amendment S. 1078, to authorize appropriations to pay for lunches furnished to all needy elementary and secondary public school children in D. C. pp. 12351-2

9. LABOR RELATIONS. Both Houses received the President's message proposing enactment of legislation for settlement of the railroad rules dispute (H. Doc. 142) (pp. 12306-9, 12397-401). The President stated that a railroad strike would seriously affect the shipment of fruits and vegetables to metropolitan areas and result in the loss of many perishable crops and that the August grain harvest would present a particularly acute problem. He stated that he intended to appoint a Presidential Commission on Automation to study and make recommendations to alleviate the effects of automation on the displacement of workers.

10. WEATHER. Both Houses received from the President the National Science Foundation's annual report on weather modification for 1962 (H. Doc. 143). pp. 12309, 12311

11. NATIONAL SERVICE CORPS. Sen. Javits submitted proposed amendments to S. 1321, to provide for a National Service Corps; to the Labor and Public Welfare Committee. p. 12315

12. TAXATION. Sen. Douglas inserted a statement by 400 American economists favoring the short and long term effects of the proposed tax reduction. pp. 12317-8

13. EMPLOYMENT. Sen. Robertson inserted an article proposing formulation of a new public policy for full employment. pp. 12322

14. FOREIGN TRADE. Sen. Javits inserted a Wall Street Journal article critical of the effectiveness of the administration's export expansion program, especially mentioning cotton exports. pp. 12335-7

Calendar No. 347

88TH CONGRESS, 1st Session | SENATE | REPORT No. 372

EXTENSION OF MEXICAN FARM LABOR PROGRAM

JULY 22, 1963.—Ordered to be printed

Mr. MANSFIELD (for Mr. HOLLAND), from the Committee on Agriculture and Forestry, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 1703]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1703), to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

SHORT EXPLANATION

This bill would extend the Mexican farm labor program for 1 year, until December 31, 1964. The committee amendment merely corrects the designation of the section being amended.

HISTORY OF MEXICAN FARM LABOR PROGRAM

During World War II, and until 1951, Mexican workers were admitted into the United States for temporary employment in U.S. agriculture under various authorities, none of which were entirely satisfactory either to the workers, the employers, or the two Governments involved.

In 1951, the Congress approved Public Law 78 (82d Cong.), which added title V to the Agricultural Act of 1949. The major features of this legislation are as follows:

1. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

2. Authorizes the Department of Labor to (*a*) undertake a recruitment and placement function with respect to such workers, (*b*) assist

workers and farmers to enter into contracts for agricultural employment, and (*c*) guarantee the payment of wages and transportation by farmer employers.

3. Requires employers who wish to employ Mexican workers to (*a*) indemnify the U.S. Government for its guaranty of their contracts, (*b*) pay into a revolving fund a fee for each worker to support the program financially.

4. Restricts the use of Mexican workers to instances or areas where the Secretary of Labor certifies that (1) domestic workers, able, willing, and qualified are not available; (2) the employment of Mexican workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and (3) reasonable efforts have been made to attract domestic workers at comparable wages, hours, and working conditions.

5. Eliminates bond requirement of general immigration statutes for such workers.

6. Provides that no such workers would be provided any employer who employs illegal aliens, either with knowledge or with reasonable grounds to believe they are here illegally.

7. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, December 31, 1961, and December 31, 1963.

The program is almost entirely self-supporting and will not burden our financial structure. Until 1947 the entire cost for importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire costs of the program.

Under Public Law 78, the funds for payment of the expenses incurred in recruiting Mexican workers are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is $15 per worker for an initial contract and $15 for a recontract. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again.

PROGRAM OBJECTIVE

The objective of this legislation has always been to provide workers to perform work generally called stoop labor, which is necessary to the cultivation and harvesting of many crops, but for which there are not sufficient domestic workers. There have always been a number of safeguards in the law to assure that workers will not be recruited

under the program if domestic workers are available to do the work, or if such recruitment would adversely affect wages or working conditions of domestic workers. These safeguards were increased the last time the program was extended by (1) requiring that in addition to finding that the working conditions of domestic workers will not be adversely affected, the Secretary of Labor must find that reasonable efforts to attract domestic workers at comparable working conditions must have been made; (2) requiring that no workers recruited under the program may be used in other than temporary or seasonal employment, or to operate power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases found necessary by the Secretary of Labor to prevent undue hardship; and (3) amending the definition of employment for which workers might be recruited to restrict it to fields in which large amounts of stoop labor are necessary.

NEED FOR A 1-YEAR EXTENSION OF THE PROGRAM

The Secretary of Labor has advised the Congress that areas of need for supplemental labor still exist, and has requested a 1-year extension of the program. His letter is attached hereto under the heading "Departmental Views." The Secretary has advised that the need for Mexican workers has decreased in recent years. Their peak employment reached 291,000 in 1959, but was only 114,200 in 1962. Overall contracting for them declined from a high of 445,200 in 1956 to 291,400 in 1961, and 195,000 in 1962. The mechanization of the cotton harvest and increased availability of domestic workers under the impetus of higher wage rates are credited by the Secretary for the decrease. The Secretary concludes that in spite of this trend there will be a definite need for foreign workers in the next year.

The Secretary also proposed amendments to the program to require employers to offer domestic workers occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican workers.[1] This committee and Congress very carefully considered similar proposals in 1961 and, after thorough debate, agreed upon the additional safeguards described above. At that time this committee stated at page 5 of S. Rept. 619, 87th Congress:

> Section 2 of the bill amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand,

[1] While the Secretary refers in his letter to "transportation expenses" the draft bill submitted by him would have required the employers to make the transportation itself available.

> are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Substantially identical language was included at page 4 of the House statement of managers in the conference report, H. Rept. 1198, 87th Congress. The statement just quoted would appear to have greater applicability today than it did in 1961; and the wisdom of the action taken by Congress has been proved by subsequent events. The Secretary has advised the committee that there has been an increased availability of domestic workers, and that this is one of the two main reasons for the decrease in employment of Mexican workers recruited under the program. The Secretary has asked that the program be continued for only 1 additional year. With the program terminating next year, this does not appear to be the time to provide a whole new set of rules to be accompanied by the usual controversy and misunderstandings. And by the time it could be determined what is comparable housing, insurance, and transportation for domestic workers (who may be accompanied by their families) and appropriate regulations could be issued, there would be little time left to construct the required housing, procure the insurance, and arrange for the transportation. The idea of requiring the construction of housing which may not be occupied before the program ends does not appear wise to the committee, and the committee has therefore recommended a simple 1-year extension with no change.

DEPARTMENTAL VIEWS

U.S. Department of Labor,
Office of the Secretary,
Washington, March 26, 1963.

Hon. Lyndon B. Johnson,
President of the Senate,
Washington, D.C.

Dear Mr. President: I am enclosing copies of a draft bill to amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes, and copies of an explanatory statement describing the proposed legislation.

The draft bill would extend the program under which the Secretary of Labor is authorized to recruit workes from Mexico for agricultural employment in the United States for 1 year—until December 31, 1964. While areas of need for supplemental farm labor still exist, the overall uncertainty of the employment situation and developments in the program itself make it desirable for the administration and Congress to have the early opportunity to make a further review of the program.

The draft bill would also amend the program by requiring employers who seek to obtain Mexican workers to offer domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican workers. Employers are required to provide these benefits as well as others to the Mexicans under the international agreement with the Republic of Mexico. The amendment would not require employers to undergo as much expense to obtain domestic workers as they do in obtaining Mexican workers. Its purpose is to extend available job opportunities to domestic workers without imposing any onerous burden upon agricultural employers.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Yours sincerely,

W. Willard Wirtz,
Secretary of Labor.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Agricultural Act of 1949

* * * * * * *

TITLE V.—AGRICULTURAL WORKERS

Sec. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems

necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements), the Secretary of Labor is authorized—

(1) to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

(2) to establish and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;

(3) to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;

(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding $150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

(1) to idemnify the United States against loss by reason of its guaranty of such employer's contracts;

(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker; and

(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501(5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of employment to such reception center, less any portion thereof required to be paid by other employers: *Provided, however,* That if the employer can establish to the satisfaction of the Secretary of Labor that the employer has provided or paid to the worker the cost of return transportation and subsistence from the place of employment to the appropriate reception center, the Secretary under such regulations as he may prescribe may relieve the employer of his obligation to the United States under this subsection.

SEC. 503. No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers. In carrying out the provisions of (1) and (2) of this section, provision shall be made for consultation with agricultural employers and workers for the purpose of obtaining facts relevant to the supply of domestic farmworkers and the wages paid such workers engaged in similar employment. Information with respect to certifications under (1) and (2) shall be posted in the appropriate local public employment offices and such other public places as the Secretary may require.

SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

(2) for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

SEC. 505. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: *Provided*, That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

SEC. 506. (a) Section 210(a)(1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(b) Section 1426(b)(1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U.S.C., sec. 132).

(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them.

SEC. 507. For the purposes of this title, the Secretary of Labor is authorized—

(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

SEC. 108. For the purposes of this title—

(1) The term "agricultural employment" includes services or activities included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 1426(h) of the Internal Revenue Code, as amended.

(2) The term "employer" shall include an association, or other group, of employers, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

SEC. 509. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section 507, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

SEC. 510. No workers will be made available under this title for employment after [December 31, 1963] *December 31, 1964.*

MINORITY VIEWS, S. 1703

Public Law 78, the Mexican farm labor program, was enacted in 1951 as a temporary program to meet a special need for agricultural laborers at the time of the Korean conflict. It was scheduled to end on December 31, 1953, but it has been extended several times: to December 31, 1955, to June 30, 1959, to June 30, 1961, to December 31, 1961, and to December 31, 1963.

For several years Public Law 78 has been strongly opposed by many civic, religious, and labor groups because of its adverse economic and social effects on domestic migratory workers.

The Department of Labor under both the Eisenhower and Kennedy administrations opposed extension unless substantial changes were made to safeguard the rights of domestic workers.

In 1961 the Senate adopted an amendment to provide a practical test to assure that the program would not be used to depress the wages of domestic workers. This provision was eliminated by the conference committee and only minor reforms were achieved.

Earlier this year the House of Representatives by a vote of 174 to 158 rejected a bill to extend Public Law 78 for 2 more years, and unless forther action is taken, the program will end on December 31, 1963.

S. 1703 would extend the Mexican farm labor program for 1 more year.

No hearings have been held by the committee on S. 1703 and no departmental reports on it have been received. In March, before the action by the House, the Department of Labor did submit a draft bill to extend the program for 1 year, but the draft bill also included a major amendment to protect the rights of domestic workers. The Department recommendation would require employers who seek Mexican nationals to offer domestic workers housing, transportation expenses, and occupational insurance comparable to that which such employers must furnish Mexican workers under the international agreement. S. 1703 does not contain this provision. We do not believe that action to extend this program should be taken until the Secretary of Labor has expressed his views regarding an extension which fails to include the Department's amendment to provide somewhat comparable benefits to domestic workers.

We believe that the many civic, religious, and other groups which have long had a deep concern about the welfare of migratory workers should have a chance to present their views and recommendations.

We believe that the serious questions raised by this program in the past require clear and definite answers in the light of the experience of the past 2 years before any extension is approved. Among the many factors which require careful consideration are the following:

1. Persistent and high rates of unemployment and underemployment. The national rate of unemployment has averaged more than 5.5 percent for the past 2 years, and the rate for hired farmworkers, who are particularly vulnerable to seasonal unemployment, is even

higher. Moreover, mechanization in agriculture continues to reduce employment opportunities for farmworkers. The number of hired farmworkers in 1962 averaged 4 percent less than in 1961 and the number of family farmworkers was down 3 percent in 1962. These and other figures indicate that the need in farm and rural communities is for more employment opportunities, not for importing workers from other nations. Undoubtedly there is need for a better system of recruitment of domestic migratory workers to provide the needed labor for seasonal crops, and a bill to provide a voluntary recruitment program for agricultural workers has been introduced in the Senate.

2. Low income of migratory farmworkers. Farmworkers generally are not covered by provisions of the Fair Labor Standards Act nor by the minimum wage or other protective legislation of most of the States. Secretary of Labor Willard Wirtz recently stated that in 1961 migratory farmworkers "earned on an average less than $900 from all employment." The number of hired farmworkers averaged 1,817,000 persons in 1962. It is not possible to contract or recontract some 225,000 Mexican nationals without having a significant effect on the wages of these domestic farmworkers.

3. Will American citizens do stoop labor? One of the principal arguments for the Mexican farm labor program over the years has been that U.S. citizens will not perform stoop labor. American citizens have a record of performing all types of work when the compensation is adequate for the skills and risks involved. The type of work done by braceros in limited areas is, in fact, performed by American citizens in other sections of the Nation. The Mexican farm labor program serves less than 1 percent of the American farmers. In 1962 only 33,214 farms in the Nation used braceros. California alone accounted for 53 percent of the total man-months of Mexican labor in 1962 and Texas for another 26 percent; most of the remaining Mexican labor was confined to farms in the four additional States of Arizona, Arkansas, Michigan, and Colorado. The majority of family farm operators in the United States use no hired farm labor at all.

Our migratory workers are among the most neglected and underprivileged groups in the Nation. The Senate has recently passed several bills aimed at improving the conditions of these migratory workers. These are useful steps in meeting the serious problems of these citizens. But the basic difficulties of our domestic migratory workers have been extended and intensified by the effects of the annual importation of tens of thousands of Mexican nationals. Without adequate provision to check the adverse effect of this program on the employment opportunities, wages, hours, and working conditions of domestic workers, we do not believe that Public Law 78 should be extended, as provided in S. 1703.

William Proxmire,
Eugene McCarthy,
Maurine Neuberger,
George McGovern.

○

Calendar No. 347

88TH CONGRESS
1ST SESSION

S. 1703

[Report No. 372]

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1963

Mr. ALLOTT (for himself and Mr. DOMINICK) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JULY 22, 1963

Reported by Mr. MANSFIELD (for Mr. HOLLAND), with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section ~~509~~ *510* of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

I

Calendar No. 347

88TH CONGRESS
1ST SESSION

S. 1703

[Report No. 372]

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. ALLOTT and Mr. DOMINICK

JUNE 11, 1963

Read twice and referred to the Committee on Agriculture and Forestry

JULY 22, 1963

Reported with an amendment

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued July 31, 1963
For actions of July 30, 1963
88th-1st; No. 115

CONTENTS

Consumers.....23
Cotton.....1
Cuban ransom.....9
Easements.....31
Electrification.....10
Employment.....33
Export-Import Bank.....4
Farm credit.....18
Farm labor.....5,15,25
Farmers.....23
Farm program.....8,14
Flood control.....39
Food.....17,36
Foreign aid.....6,26,35
Foreign trade.....20,41
Forestry.....7
Irrigation.....29
Lands.....31
Legislative program.....22
Lumber.....37
Manpower.....16
Milk.....27
National Service Corps.....21,22
Nominations.....18
Opinion poll.....24
Organization.....28
Pacific Islands.....11
Patents.....12
Personnel.....34,38
Public debt.....3,30
Reclamation.....40
Research.....19
Retirement.....38
River basins.....13
Sugar.....2
Tobacco.....32

HIGHLIGHTS: House Rules Committee cleared cotton bill. Sen. Mundt urged consideration of new farm legislation. Sens. McCarthy and Williams (N. J.) inserted items opposing extension of Mexican farm labor program. Sen. Fulbright commended World Food Congress meeting. Sen. McCarthy introduced and discussed dairy bill.

HOUSE

1. COTTON. The Rules Committee reported a resolution for the consideration of H. R. 6196, the cotton bill. pp. 12864, 12886

2. SUGAR. Rep. Sullivan commended the reduction in sugar prices and discussed some of the reasons for the original increase. p. 12874

3. PUBLIC DEBT. The Ways and Means Committee voted to report (but did not actually report) H. R. 7824, to continue until Nov. 30, 1963, the existing temporary increase in the public debt limit. p. D581

4. EXPORT-IMPORT BANK. By a vote of 379 to 11, voted to insist on disagreement to the Senate amendment to H. R. 3872, to increase the lending authority of the Export-Import Bank, and to request a further conference. House and Senate conferees were then appointed. pp. 12864-8, 12938.

5. FARM LABOR. Rep. Teague (Calif.) criticized a Washington Post editorial referring to Mexican farm laborers as "Wetbacks." pp. 12871-2
Rep. Talcott criticized a Congressional Record insertion claiming that Mexican farm laborers have exceptionally low pay. p. 12876
Rep. Gonzalez expressed his opinion that importation of Mexican farm laborers is similar to the importation of the indentured servants. p. 12883

6. FOREIGN AID. Rep. Gonzalez inserted an article complimenting the work of the Alliance for Progress program. pp. 12874-5

7. FORESTRY. Rep. May inserted an editorial commending a speech by Mr. Cliff, Forest Service, urging full consideration to the needs and desires of the individual tree farmer. p. 12876

8. FARM PROGRAM. Rep. May inserted a speech by the Director of the food-for-peace program urging that America's agricultural abundance be used to help new countries. pp. 12877-8

9. CUBAN RANSOM. Rep. Cramer inserted an editorial stating that American pharmaceutical houses and food firms gave voluntary contributions for Cuban ransom because of the vast powers of the Federal Government. p. 12880

10. ELECTRIFICATION. Received from the Federal Power Commission the annual supplement to their publication, "Hydroelectric Plant Construction Cost and Annual Production Expenses, 1961." p. 12886

11. PACIFIC ISLANDS. The Interior and Insular Affairs Committee reported with amendment H. R. 3198, to promote the economic and social development of the Trust Territory of the Pacific Islands (H. Rept. 605). p. 12886

12. PATENTS. The "Daily Digest" states that the Judiciary Committee rereferred to its Subcommittee No. 3 for further consideration H. R. 7370, to fix the fees payable to the Patent Office. p. D581.

SENATE

13. RIVER BASINS. Passed with amendments H. R. 6016, to authorize additional appropriations for prosecution of flood control and multiple-purpose projects in the following river basins: Cape Fear River Basin, Savannah River Basin, central and southern Florida, Apalachicola River Basin, Brazos River Basin, Arkansas River Basin, White River Basin, Red River Basin, Missouri River Basin, Ohio River Basin, Los Angeles-San Gabriel River Basin, and Columbia River Basin (pp. 12926-49). Senate conferees were appointed (p. 12948). By a vote of 28 to 60, rejected an amendment by Sen. Simpson to strike out the authorization for the Burns Creek Dam and Reservoir, Snake River, Idaho (pp. 12928-32). By a vote of 25 to 64, rejected a motion by Sen. Dirksen to recommit the bill to the Public Works Committee (pp. 12932-41).

14. FARM PROGRAM. Sen. Mundt stated that farm income was below a year ago and urged prompt consideration of new farm legislation to increase farm income, particularly legislation to deal with the soil bank, cotton and wheat (pp. 12941-3). Sen. Young (N. Dak.) commended Sen. Mundt's remarks and expressed concern over the "increasing cost of everything" the farmer must buy (p. 12942).

15. FARM LABOR. S. 1703, to extend the Mexican farm labor program for one year, was made the unfinished business. p. 12968
Sen. Mansfield disputed reports that this bill, S. 1703, is "being unduly

A special breed of men and women is required to guide and administer such a comprehensive undertaking. Under this act, specialized delinquency workers are being trained. At this point in the RECORD, I ask unanimous consent that a list showing where such training programs are now underway be printed.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Training projects

	Amount of grant
A. Training centers:	
Southern Illinois University	$182,181
University of Utah	150,000
University of North Carolina	153,744
University of Washington	112,488
Wayne State University	152,201
Western Reserve University	151,500
B. Curriculum development:	
Hunter College	109,200
New York University	7,465
Washington State University	40,423
Harvard University	68,892
University of Michigan	200,014
University of California Law Center	140,000
International Association of Chiefs of Police	50,000
Citizens Committee for Children of New York City	15,125
University of Chicago	90,000
University of Southern California Youth Studies Center	125,000
University of California School of Criminology	75,000
Associated Community Teams, Inc. (Harlem)	250,000
C. Short-term workshops:	
Hunter College	66,940
St. Louis University	84,975
National Council on Crime and Delinquency	80,470
Civic Center Clinic—Brooklyn	800
Brooklyn Probation Department	12,135
Washington State Department of Institutions	5,616
National Federation of Settlements	36,990
Hawthorne Cedar Knolls School	12,074

Mr. CLARK. Secretary Wirtz was properly concerned when he commented last week that unemployment, particularly among youth, is ballooning into an awesome problem with dangerous implications for society.

The rising delinquency rates are a reliable barometer of the social dynamite hiding in youth unemployment.

The rise has been persistent since 1948—faster than the growth of our youth population. Just 3 weeks ago, for example, the Federal Bureau of Investigation reported police arrests of juveniles under 18 increased by 9 percent in 1962 over 1958, yet the population growth for the same age groups was only 3 percent. Over a million youth aged 10 through 17 were arrested in 1962; almost 500,000 appeared on delinquency charges before our courts.

Last year, the cost of fighting delinquency in New York City alone came to $90 million. Only 7 years earlier it was $23,500,000. In spite of this enormous increase, the number of delinquency cases disposed by the Children's Court rose 16.3 percent between the years 1950 and 1959.

These are appalling statistics. Quite clearly, money alone is not solving the problem. The fragmented approach we have taken so far toward the conditions which breed delinquency must be converted into a deepened and comprehensive effort to remake the physical, social, and educational setting in which young people are trained and motivated. They must be given the opportunity to seek a way of life in which their talents and energies are employed for the benefit of them and of society.

This legislation is aimed at that goal.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a brief description of the first demonstration program under the Juvenile Delinquency and Youth Offenses Control Act—Mobilization for Youth, in New York City—published in the New York Times of June 1, 1962.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, June 1, 1962]

DIGEST OF FEDERAL-CITY MOBILIZATION FOR YOUTH PLAN

The Mobilization for Youth project, announced in Washington yesterday, is intended to combat juvenile delinquency by opening new doors and creating new hope for the young people of poor districts.

Mobilization for Youth, Inc., a nonprofit corporation set up to administer the project, summarized its objectives in the following way in a 617-page outline of its program:

"We must concern ourselves with expanding opportunities for conventional behavior. Our program is designed to enlarge opportunities for conformity and so to combat a major source of delinquent behavior among young people."

WIDESPREAD COVERAGE

In pursuing that aim, the project will touch upon nearly every major aspect of the lives of young people. It will deal with 7-year-olds and 21-year-olds and delve into the attitudes of their parents.

One research project even will explore whether established political organizations are serving the aims of people in poorer districts as well as they did in the days of mass immigration, when the Tammany Hall machine was constructed.

The action part of the project is divided into five major parts called "World of Work," "World of Education," "The Community," "Specialized Services to Individuals and Families," and "Specialized Services to Groups."

Under those headings, a number of operations are envisaged to deal with specific parts of the whole social problem of juvenile delinquency, according to the following summary:

The program will create an Urban Youth Service Corps and a Teenage Industries Corp. to build bridges toward adult job careers and show young people where those bridges lead.

In the Urban Youth Service Corps about 250 youth who have left school will be organized to work on public and private service projects. They will be paid $1 an hour for up to 35 hours of work and training per week.

Working in groups of 10 to 20, under the supervision of a skilled craftsman or foreman, they will undertake such tasks as developing playgrounds, planting trees, providing office services, and running errands, and helping in social work.

Within that framework it is proposed to create a semicommercial enterprise to be called Teenage Industries, with about 30 employees. They will make and repair toys, playground equipment, and furniture under the supervision of craftsmen.

Teenage Industries will be established as a New York corporation, with a board of directors including businessmen, labor leaders, and private citizens.

An exploratory work course is proposed to introduce youths to working life, through classroom instruction in the seventh and eighth grades and "work-sampling" in visits to workshops and in visits from persons in various careers.

THE WORLD OF EDUCATION

A Youth Jobs Center, to provide employment services, and a Guidance and Counseling Service, to help young people plan for the future, are also proposed.

Programs are planned for instructing teachers in the methods of teaching poorer children at an elementary school and a junior high school designated as laboratory schools. There will be emphasis on reading and verbal skills in the English language.

Reading centers will be established in each of the elementary schools in the area, and remedial-reading clinics will be set up in two elementary schools, all with the object of overcoming the language difficulties that poorer youngsters have in finding jobs.

Local residents familiar with neighborhood ways will be asked to visit parents at home for discussions of home, school and community problems, with the object of improving the guidance that parents give their children.

There will be experimental classes for 4-year-olds, 5-year-olds and first-graders to prepare them for the coming process of education. Older children may be tutored by high school sophomores and juniors, paid $1.25 an hour.

THE COMMUNITY

The project believes that people who feel strong identity with their neighborhoods and share common values are more likely to try to control juvenile delinquency. Thus the object is to get parents interested in social problems.

Such groups as "hometown" clubs and storefront church congregations, which usually are not reached in community organization efforts, will be invited to join in common action. New groups will be established to "organize the unaffiliated."

SPECIALIZED SERVICES TO INDIVIDUALS

Concrete social services will be strongly emphasized, partly through the establishment of four service centers, or "helping stations," to attract people who would normally shun social services. They will be intended particularly for families with children between 10 and 15 years old.

It is also proposed to establish a pilot narcotics project to work with 50 teenage and young adult addicts, and perhaps a "sheltered" workshop to test the value of work as a cure for addiction.

Visiting homemaker service is envisaged. These social workers would encourage medical and dental checkups, help housewives plan and manage their shopping and budgeting, help organize household routines, and arrange for babysitters.

SPECIALIZED SERVICES TO GROUPS

There will be a "coffeehouse" project, in which three storefront cultural centers will be created on the model of a coffeehouse, intended to attract boys and girls from 16 to 21.

Each coffeehouse will have a distinctive motif. One will be devoted to Negro and Puerto Rican art and culture, where on a typical night a drum and dance troupe of local youths might be the feature attraction.

One would be a Fold Jazz Center for instruction in jazz groups, playing in rock 'n roll quartets, and cutting records. The

third would be the gallery, a showcase for the work of young artists, writers, and sculptors.

For boys 9 to 13 an Adventure Corps is planned, to be organized along paramilitary lines in squads of 20 to 25 boys, with six or seven squads to a division. There will be two divisions of about 150 each.

A corps headquarters of trained professional staff and older boys will coordinate such activities as overnight camping trips, tutoring in school subjccts, trip to museums, baseball tournaments, cleaning up empty lots or learning judo.

Each division will have a uniform—a jacket identifying the unit. Each squad will have its own symbol, name and badge of identity. Parents will be asked to help in advisory groups for each division.

For children under 9, there will be a preadoiescent project. The plan is to employ skilled social workers to prepare youngsters for the other projects by influencing them at an early age.

Musical taients will be exploited through the formation of steel-drum band and rock 'n' roll workshops.

An objective of the program is to develop new knowledge and technology for dealing with human problems. Data will be gathered on several aspects of juvenile delinquency and the reform of youthful offenders.

As a collateral project there will be a study of what has happened to the strength of political organizations over the last three decades and whether they have shifted their ground to meet new conditions among poorer people.

It is theorized that the social legislation of the New Deal created agencies to care for the welfare needs of the underprivileged and that these agencies have grown in size and number since World War II.

It is further theorized that political organizations in turn have transferred their attention from the poorest classes, which they once wooed with personal services, to those lower-middle and middle-class groups that are seeking recognition.

"The machine is no longer dealing with persons whose only barter goods are their individual votes," the Mobilization for Youth outline says. "Persons with higher status tend to organize the resources in their community, which gives them a position from which they can bargain."

"Instead of the previous parent relationship between machine and voter, a contract is negotiated in which representatives of middle-class communities offer to deliver a body of votes in return for a larger slice of the political pie."

The connection between this study and the problems of juvenile delinquency is not clearly established in the outline, except for a statement that the findings might suggest ways of drawing lower income groups into community and political life.

JOB OUTLOOK GAINS FOR ADULTS, BUT WORSENS FOR TEENAGERS

(By John D. Pomfret)

WASHINGTON, June 29.—The Nation's employment situation is showing signs of schizophrenia.

And it has Government policymakers worried.

What is happening is that the job picture is improving for adults—not dramatically or rapidly, but improving nonetheless. Among teenagers, however, it is deteriorating. Their situation already is critical and, unless something is done, could develop into one of the most explosive social problems in the country's history, in the view of officials concerned with it.

According to a Labor Department analysis, here is how the situation shaped up during the first 5 months of the year among the three principal groups in the labor force—men, women, and teenagers:

Men: Since January, the size of the adult male labor force—that is, those who have jobs plus those who want them but can't find them—has not changed. But there has been an increase in nonfarm jobs that has both absorbed a decline in farm jobs and cut unemployment by 200,000. The result has been a drop in the unemployment rate among men from 5.1 percent in February to 4.4 percent in May. This is roughly the level that prevailed before the 1960 recession began.

Women: The number in the labor force since January has risen by about a quarter of a million, but since virtually the same number have found jobs, the adult female unemployment rate has remained about stationary at 5.4 percent.

Teenagers: Between January and May, there was a net gain of more than 400,000 in the number of persons 14 through 19 years old in the labor force. But only about one-fourth of the increase was on the employment side. This has meant a dramatic rise in the teenage jobless rate—from 13.9 percent in January to 17.8 percent in May.

The effect of these opposing changes is that employment has risen by about half a million since January to 68,676,000 after adjustment for seasonal changes. Unemployment has risen, but not substantially. It stood at 4,313,000 after seasonal adjustments. The national unemployment rate has been relatively static at just under 6 percent.

But in this case, the parts are more significant than the whole, and the part that is getting the most attention right now is the teenagers.

Labor Department experts do not like to rely too heavily on precise month-to-month changes in the teenage unemployment rate. The number of teenagers in the statistical sample they work with is small enough that relatively small changes can result in rather large swings in the unemployment rate. Further, they point out, whether a teenager is unemployed can be a fairly subjective judgment, particularly if he is still in school.

Despite these qualifications, the experts are persuaded that the figures on teenagers, when interpreted in the light of census and other data, indicate trouble ahead.

The situation is that rising numbers of teenagers are swarming into the labor market to look for jobs at a time when general unemployment is relatively high and many of the unskilled jobs they otherwise might have landed are vanishing under the impact of changing technology.

A million more youngsters will turn 16 this year than last and 16 is the legal school-leaving age in many States. And unemployment rates among the unskilled are consistently higher than among the skilled. To cite the extremes, the jobless rate among professional and technical workers is 1.9 percent and among nonfarm laborers, 11 percent.

The crucial nature of training also is reflected in a recent Labor Department survey of the employment experience of high school dropouts and graduates. The jobless rate of 1962 dropouts was 29 percent, about twice that of June high school graduates.

Negroes were about one in five of the school dropouts—about twice their proportion of the graduates. This imbalance is reflected in the fact that unemployment among Negro teenagers runs about twice the overall rate—a ratio that holds for the general unemployment situation among Negroes as well.

This disparity, with its roots in lack of training, as well as outright employment discrimination, has caused President Kennedy to include a request to Congress for $400 million for stepped-up Federal retraining and education programs in his civil rights proposals.

But prompt adoption of this program would by no means end the Nation's employment woes. The underlying problem—one that affects Negro and white workers, teenagers and adults—is that the economy's performance in creating jobs has left much to be desired in recent years.

The slowing has been in the private sector of the economy, with growth in the public sector taking up some of the slack.

Labor Department experts estimate that unless the economy can be made to grow faster, the unemployment rate will be above 7 percent by 1967.

AMENDMENT TO AGRICULTURAL ACT OF 1949

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 347, Senate bill 1703, and that it be laid down and be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment in line 3, after the word "section", to strike out "509" and insert "510"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. MANSFIELD. Mr. President, before the Senate adjourns tonight, I should like to make a statement on the nuclear test ban. Before I do so, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn to meet at 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPLENDID AMERICAN

Mr. KUCHEL. Mr. President, often we have heard the stories of citizens making mistakes on oversea tours that have not helped the image of America.

That is just one reason why I am extremely pleased today to take a few moments to relate the heartening, dramatic, and true story of a young Californian—and a splendid American.

Indeed, this Californian has, by himself, created a project that is so exciting and rewarding that I wish all America knew of it.

The young man's name is Wil Rose. Mr. Rose, a Purple Heart veteran of the Korean war, was hired in 1958 to do some research filming for Los Angeles State College.

This job took him to 22 countries in Europe and the Middle East, as he documented much of the folklore he saw.

What really caught his eye, however, was the frustration of many Americans living and working abroad. And what

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 1, 1963
For actions of July 31, 1963
88th-1st, No. 116

CONTENTS

Adjournment.....22
Agricultural Attaches....2
Area redevelopment.....1
Buildings.....2
Congressional reform....18
Electrification.....4,12
Farm labor.....6,7,23
Foreign aid.....5
Foreign trade.....13
Forestry.....9
Grain.....21
Grants.....16
Lands.....9
Leather.....28
Legislative accomplishments.....17
Marketing.....27
National parks.....9
National Service Corps...8
Nominations.....15
Oceanography.....3
Pay increase.....29
Personnel.....25
Public works.....16
Quality stabilization...24
REA loans.....30
Reclamation.....11
Recreation.....10
Research.....3,19
Retirement.....25
Small business.....15
Soil conservation.....20
Transportation.....31
Wilderness.....26
Youth employment.....14

HIGHLIGHTS: Senate returned Mexican farm labor bill to Committee on point of order. Senate committee reported proposed National Service Corps bill. House Committee voted to report Area Redevelopment Act amendment bill. Sens. Humphrey and Miller criticized Common Market agricultural policies. Sen. Humphrey defended REA interest rates. Sens. Neuberger and Clark favored legislation for humane treatment of animals in research. Sen. Lausche introduced and discussed bill to prohibit U. S. shipments on vessels trading with Cuba.

HOUSE

1. AREA REDEVELOPMENT. The Banking and Currency Committee voted to report (but did not actually report) with amendment S. 1163, to authorize additional funds for Area Redevelopment Act programs. p. D585

2. BUILDINGS. Agreed to the conference report on H. R. 5207, to authorize appropriations for the construction of housing for Federal personnel abroad, including housing for Agricultural Attaches. By a previous vote of 234 to 166, agreed to a resolution for the consideration of this report. pp. 13044-51

3. RESEARCH. The Merchant Marine and Fisheries Committee reported with amendment H. R. 6997, to provide for a comprehensive, long-range, and coordinated national program in oceanography (H. Rept. 621). p. 13066

Received a letter from this Department on research grants awarded by ARS during fiscal year 1963; to Science and Astronautics Committee. p. 13066

4. ELECTRIFICATION. Rep. Saylor discussed and inserted articles opposing the extension of the Bonneville power marketing area into southern Idaho. pp. 13064-5

5. FOREIGN AID. Rep. Staebler criticized a Readers Digest article urging a change in our foreign aid program, and compared it with Gen. Eisenhower's statement on foreign aid. pp. 13053-4

6. FARM LABOR. Rep. Gonzalez inserted part of Under Secretary of Labor Henning's testimony urging amendments to protect domestic laborers before extending the Mexican farm labor program. pp. 13058-9

Rep. Talcott expressed opposition to giving Federal aid to promote a system for furnishing necessities to communities where migrant laborers would live. p. 13059

SENATE

7. FARM LABOR. S. 1703, to extend the Mexican farm labor program for one year, was recommitted to the Agriculture and Forestry Committee after a point of order by Sen. Proxmire was sustained against consideration of the bill on the ground that a quorum was not present when the bill was reported by the Committee (pp. 13005, 13017-21). Sen. Mansfield stated that the bill can possibly be considered next week if reported by the Committee (p. 13021).

8. NATIONAL SERVICE CORPS. The Labor and Public Welfare Committee reported with amendments S. 1321, to authorize the establishment of a domestic National Service Corps (S. Rept. 382)(p. 12976). Sen. Tower submitted amendments intended to be proposed to this bill, S. 1321 (p. 12977).

9. LANDS; NATIONAL PARKS. The Interior and Insular Affairs Committee reported with amendments S. 27, to provide for the establishment of the Canyonlands National Park, Utah (this bill involves the question of access rights-of-way to the proposed park over certain national-forest lands)(S. Rept. 381). p. 12976

10. RECREATION. The Interior and Insular Affairs Committee reported with amendments S. 653, to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev. (S. Rept. 380). p. 12976

11. RECLAMATION. The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendments S. 26, to authorize construction of the Dixie reclamation project, Utah, and S. 46, to provide that the cost of certain investigations by the Bureau of Reclamation shall be nonreimbursable. p. D584

12. ELECTRIFICATION. Sen. Humphrey defended the 2-percent interest rate on REA loans against recent criticism by Sen. Lausche, stated that "there is an urgent need to strengthen the rural electric cooperatives, not weaken them," and inserted several items to support his position. pp. 13029-35

13. FOREIGN TRADE. Sens. Humphrey and Miller criticized the agricultural policies of the European Common Market, particularly with reference to import duties on U. S. poultry and the attitude of Gen. de Gaulle, and urged U. S. to take a stronger stand in its bargaining with the Common Market countries. pp. 13027-9, 13040-1

all the other problems which affect the American kind.

REAFFIRMATION OF THE POSITION OF THE MEMBER HOSPITALS OF THE GREATER NEW YORK HOSPITAL ASSOCIATION ON HUMAN RIGHTS

Mr. KEATING. Mr. President, one of the most heartrending aspects of discrimination is the unfair treatment to which both Negro doctors and patients are subjected in hospitals in many sections of our Nation.

The Federal Government has condoned these unfair activities by refusing to police the nondiscrimination provisions of the Hill-Burton Act and by its insistence on continuing to adhere to its unconstitutional separate but equal provision. I have brought this situation to the attention of the Department of Health, Education and Welfare on many occasions but have yet to receive a satisfactory explanation of why this agency refuses to insist upon compliance with a policy of equal treatment in programs it supports with Federal tax funds.

In light of this background, I am deeply gratified by the statement recently adopted by the Greater New York Hospital Association. This statement reaffirms the association's support of a policy of nondiscrimination in the treatment of patients, the appointments to hospital staffs, and in appointments to the board of trustees. I commend the association for its position and ask unanimous consent that the association's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REAFFIRMATION OF THE POSITION OF THE MEMBER HOSPITALS OF THE GREATER NEW YORK HOSPITAL ASSOCIATION ON HUMAN RIGHTS

In recognition of human equality and in the right of all men to equal opportunity, members of the Greater New York Hospital Association reaffirm their belief in the following practices:

That care be provided to all in need of medical attention regardless of race, color, creed, or national origin;

That there shall be no segregation of patients in our hospitals, on the basis of race, color, creed, or national origin;

That appointments to our hospital staffs shall be based on qualification regardless of race, color, creed, or national origin subject to the number of physicians who can be accommodated and the bed capacity of the hospital;

That appointments to our administrative staffs shall be based on qualification regardless of race, color, creed, or national origin; and

That appointment to our boards of trustees shall be based on community participation and leadership regardless of race, color, creed, or national origin.

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). Is there further morning business? If not, morning business is closed.

AMENDMENT OF AGRICULTURAL ACT OF 1949

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The LEGISLATIVE CLERK. A bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

THE GESELL REPORT AND PERVERSION OF THE MISSION OF THE MILITARY

Mr. STENNIS. Mr. President, those of us who have long insisted that our military people be confined to their historic and traditional roles and missions are greatly disturbed by the fact that there has recently been introduced a new, different, and added mission which can only be detrimental to military tradition, discipline, and morale.

This new and previously unheard of mission is designed to shape our military force as an instrument for social reform and can only result in irreparable injury to the military profession. In addition, it is a grave and serious challenge to the long established and traditional concept of complete separation of the military from all political matters and activities.

The action of the Secretary of Defense which I shall discuss is but the latest step in the current massive and widespread assault upon constitutional principles in the misguided and so-called civil rights drive. It is now proposed that the military profession itself be utilized as a driving force in the establishment of a new social and political order which involves race relations and individual associations in off-base areas surrounding our military establishments.

This latest directive is based in large measure upon the so-called Gesell report, which came from a committee on equal opportunity in the Armed Forces, appointed several months ago by the President.

As a member of the Armed Services Committee, I, of course, do not expect to be consulted about matters of this kind. However, I feel that we cannot perform our function unless we are advised to some extent when committees are appointed with such far-reaching and sweeping powers and opportunities.

I believe, too, that the chairman of the committee, who devotes so much of his valuable time to the real problems of the military services, was not informed and knew nothing about the activities of this committee until the report was issued. Of course, he can speak for himself.

I mention it because it is a source of great concern to me, as a member of that committe, that he was not informed. I know there was no opportunity for anyone in Congress to be heard or to present any idea or to consult with any of the members of the committee which made the far-reaching recommendations as to what should be the duty of a base commander. None of the members of the committee had any military service; that is, they are not in the military service now. The members of the committee are:

Mr. Gerhard Gesell, of Washington, D.C., Chairman; Mr. Nathaniel S. Colley; Mr. Abe Fortas; Mr. Louis J. Hector; Mr. Benjamin Muse; Mr. John H. Sengstacke, and Mr. Whitney Young, Jr. They compose the membership of this group. But back to the activities that have taken place.

It has been apparent for some time that the more extreme exponents of revolutionary civil rights actions have wanted to use the military in a position of leadership to bring about desegregation outside the boundaries of the military bases, and have desired that the full economic weight of military bases be manipulated by the base commander to reverse local laws, customs, and policies. It has even been suggested and specifically recommended that the economic coercion to attain these political objectives go to the extreme of curtailing or terminating activities at military installations near communities where desegregation is particularly prevalent.

The Secretary of Defense was called upon to take action in this field as the result of the work of a civilian committee consisting of seven members, not one of which is a member of the armed services or recognized as a seasoned constitutional lawyer. This Committee, known as the President's Committee on Equal Opportunity in the Armed Forces, on June 13, 1963, filed with the President its initial report dealing with "Equality of Treatment and Opportunity for Negro Military Personnel Stationed Within the United States." This report is popularly known as the Gesell report, after the name of Committee Chairman, Gerhard Gesell, a Washington attorney. The report was forwarded by the President to the Secretary of Defense for attention and action. However, the attention and action which should be given the report seems to have been predirected by the President by the following admonition:

The Committee's recommendations regarding both off-base and on-base conditions merit your prompt attention and certainly are in the spirit that I believe should characterize our approach to this matter.

On July 26, 1963, the Secretary of Defense, responsive to the admonition of the President, issued a directive—incorrectly entitled "Equal Opportunity in the Armed Forces"—based upon the recommendations of the Gesell Committee.

Mr. President, the directive referred to is so far reaching and drastic in its nature and effect that I believe every Member of the Senate should be familiar with its terms. I ask unanimous consent that at the conclusion of my remarks the entire directive be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STENNIS. Mr. President, paragraph B of the directive provides:

1. The military departments shall, with the approval of the Assistant Secretary of Defense (Manpower), issue appropriate instructions, manuals, and regulations in connection with the leadership responsibility for equal opportunity, on and off-base, and containing guidance for its discharge.

2. The military departments shall institute in each service a system for regularly report-

ing, monitoring, and measuring progress in achieving equal opportunity on and off-base.

Paragraph C places clear and heavy responsibility upon the military commander in the field of social reform. It provides:

Every military commander has the responsibility to oppose discriminatory practices affecting his men and their dependents and to foster equal opportunity for them, not only in areas under his immediate control, but also in nearby communities where they may live or gather in off-duty hours. In discharging that responsibility a commander shall not, except with the prior approval of the Secretary of his military department, use the off-limits sanction in discrimination cases arising within the United States.

I shall explain that in greater detail later.

This is not all. The following is a paragraph from the July 24, 1963, memorandum from the Secretary of Defense to the President, which responded to the Gesell report and transmitted the directive which I have previously discussed:

The Committee also suggested the possibility of closing bases near communities where discrimination is particularly prevalent. I do not regard this as a feasible action at this time.

That is a statement by the Secretary of Defense in a communication directed to the President. He declined to say that he would remove bases from communities that did not conform to this requirement. He merely said he did not consider their removal feasible "at this time." Nevertheless, the threat remains. The recommendation of his committee stands. It has been commended by the President of the United States. The Secretary said it is not feasible to close the bases at this time.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. STENNIS. May I finish this point, first? Then I shall be glad to yield to the Senator from Georgia.

The background for this statement by the Secretary of Defense is that the President's Committee had recommended that military bases be closed or moved in those cases where the off-base business establishments did not submit to the politically inspired requirements. In this recommendation the committee advocated the most extreme and brutal form of economic coercion.

The Secretary of Defense declined to follow this recommendation "at this time." The use of this phrase indicates, of course, that the threat of such action is still very much in existence. The very clear threat is that, if all else fails, the weight of the military purse will be used, not to increase our combat readiness and military striking power, but as a means of economic strangulation of local peoples and local communities in order to bring about the social and political revolution which the civil rights extremists so ardently desire.

I shall mention some round figures showing that the locations of military installations by the armed services, Congress, and the President are based upon military considerations. What will best serve the defenses and the security of the Nation? What about the air pattern, when the Air Force selects locations for the training of pilots? What about the considerations of the Navy for suitable locations? These are military considerations. That is why we have poured billions of dollars into the construction of military bases throughout the Nation. Missile sites are selected because of their relation to strategic requirements.

Based upon studies and surveys that have been made by teams of investigators, the Government has invested considerably more than $10 billion in military installations which might be affected by this directive. I venture to guess that to transfer, to move, or to recreate those bases elsewhere would cost in the neighborhood of $30 billion. In many cases, there is no other sound military location to which to go.

So this recommendation strikes at the very vitals, the very fundamentals of our military plans, purposes, and strategy. It is no ordinary recommendation. It goes to the very vital and technical parts of our military program.

I shall state later that I believe it would destroy the standards by which we select and promote officers in the armed services and the morale of many fine career officers.

I now yield to the Senator from Georgia.

Mr. TALMADGE. Mr. President, I desire to compliment the distinguished Senator from Mississippi on the able speech he is making. I concur in his statements and share his views completely.

Our Nation is a Nation of civilian control; a Nation of law, not of military control. The Senator has read paragraph C of the order. The order is so far reaching that it directs military commanders to foster equal opportunity for people not only in areas under immediate military control, but also in nearby communities, where the military may live or gather in off-duty hours.

Does the distinguished Senator from Mississippi believe that the military has any control over a civilian area outside the military base?

Mr. STENNIS. Absolutely no control.

Mr. TALMADGE. Does the Constitution give them any authority to act in civil areas beyond the Military Establishment?

Mr. STENNIS. Absolutely none. As the Senator knows, there are certain working arrangements between the police departments, the civilian authorities, and the civic clubs and groups. But when it comes to legal jurisdiction and legal rights, there are absolutely none.

Mr. TALMADGE. Does a military base commander have authority to act as the Governor of a State or as a State legislator in dealing with areas beyond the jurisdiction of his Military Establishment?

Mr. STENNIS. Certainly not; in fact, the very contrary is the theory of our Government.

Mr. TALMADGE. Does a military base commander have authority to act as county commissioner, mayor, city council, or policymaking authority beyond the boundaries of his Military Establishment?

Mr. STENNIS. Of course, he does not have such authority.

Mr. TALMADGE. But does not this order purport to authorize military commanders to exercise authority beyond the boundaries of the military bases?

Mr. STENNIS. Yes; it would put them right in the middle of current of domestic partisan matters; and it could lead them right into elections. It would set them up as a special force; and they would be considered for promotion on the basis of their compliance with it.

Mr. TALMADGE. In short, their future promotion would depend upon that, would it not?

Mr. STENNIS. Yes. I shall discuss that point later, and shall show how near they got to it.

Mr. TALMADGE. Is not this order strangely reminiscent of the orders in Reconstruction days when the South was occupied by troops and was divided into military districts under troop commanders who exercised authority in those areas?

Mr. STENNIS. I think the Senator from Georgia is correct as far as he goes; but this matter goes even farther than that. It invades the province of more than the civilian authorities and the State authorities; in addition, it would put this officer—who is trained and prepared to prepare us for war and to win that war, if it comes—and also puts his career right in the middle of the most controversial political debates and discussions and the most violent eruptions of partisan matters which exist in the Nation today. I think that is the most serious single phase of the entire matter.

Mr. TALMADGE. Furthermore, it purports to substitute, in those areas, military control and decision, for civil law and civil decision, does it not?

Mr. STENNIS. Yes, that is its effect—attempted coercion through threats to remove bases, as I shall show later, and to mark stores or other establishments "off limits," with the result that no member of the Military Establishment would be permitted to enter them. Such economic coercion would be a crushing blow, a death blow, to many of the establishments in these areas.

Mr. TALMADGE. I fully agree with the able Senator from Mississippi. I think this is the most uncalled for order in connection with a Military Establishment that I have ever heard of in my lifetime.

We live in a nation of laws, not of men. The fact that we live under civilian law, not under military dictatorship, has always been part and parcel of our system of government. However, the purport and effect of this order is to encourage military commanders in charge of various military areas in the Nation to participate in local politics and to attempt to inject the authority of the military establishment into civilian conrol; is not that true?

Mr. STENNIS. That is correct. If it is permitted to start, naturally it will grow in its impact.

Mr. TALMADGE. That is correct.

In fact, does not this order strike at civil control of our established system of

Mr. HOLLAND. I thank my distinguished friend. I invite his attention to the lead editorial appearing in today's issue of the New York Times, which I asked to have printed in the RECORD during the debate of the able Senator from Mississippi. The editorial entitled, "Breakthrough or Breakdown," is applicable to the position taken a few minutes ago by the distinguished Senator from New York. The first paragraph of the editorial, which was emphasized later by recalling and listing actual cases, made it very clear that the able editorialist thought that the impassioned advocates of integration, of whom the distinguished Senator from New York is one of the ablest, were going far afield and hurting their cause. As the editorialist suggested, they were breaking down their case by the extreme positions which they were taking. The Senator from Florida happens to know that the distinguished Senator from New York was not present during all the speech of the Senator from Mississippi. I do not believe that the Senator from New York was here as the Senator from Mississippi read from the report of the Gesell Committee. It is from that report and upon the terms of that report that the Senator from Mississippi was commenting as he did that the expectation of promotion of high-ranking officers having command of the various posts throughout the United States was very definitely involved in the recommendations of the Committee.

That was the point which the Senator from Mississippi made over and over again. The Senator from Florida recalls that the Senator from New York stated that he expected, and others expected, the Senator from Mississippi always to make addresses of a certain kind on this subject which, at the very least, I would say he meant would be interpreted as extreme. I believe the Senator from Mississippi is a moderate man. If the Senator from New York was excoriating the Senator from Mississippi, he was excoriating many others of whom the speaker is one. I could never give my consent to the military department taking over the power of destroying communities—businesses, churches, clubs, and various other activities in a community—near Army, Naval, or Air Force bases, for the simple reason that segregation was the rule in such communities instead of integration. I think such action would be destructive of the security of our Nation.

When I think of the great leaders who have defended our Nation who came from a part of the country that could never support that kind of philosophy, and think of the place they occupied in the winning of World War II and every other war in which we have engaged, it seems to me that it is clear that people get so enthused over the objective that they are working toward that they forget the tragic destruction which they are inviting to be placed upon the security program of our Nation.

To state a few from my own State whose names will be well known to the distinguished Senator, I mention General Geiger, who led in the recapture of Guam, General Landrum, who led in the recapture of Attu, and General Van Fleet, who led in the surrounding and the capture of the Ruhr. I could name a dozen others from my State alone. I have not mentioned the Pattons, the Courtney Hodges, the Patches, and all the others, from the South.

Can our Nation afford to take a position in this matter of giving such vast power to military commanders which runs counter to the philosophy and the deep convictions of a great part of our country? Are we going to eliminate from military service and say that we do not desire the services of the boys and the girls, the men and the officers, from that great part of the Nation which does not view this problem through the same eyes that the distinguished Senator from New York views it?

Mr. President, I do not think we can afford to take that position.

I support enthusiastically and wholeheartedly the comments of the Senator from Mississippi. This program, if carried further, in the field of military control of our communities will be destructive of our military security and of our military morale. I would not be satisfied in my own conscience if I did not voice that belief. If the Senator from New York has had military experience, so have I. The Senator from New York knows it. There are a great many other Senators here who have had military experience and who, I believe, will support the position which I have stated. What I am now asking is that the Senator from New York examine carefully the prepared remarks of the Senator from Mississippi. He was not speaking spontaneously. He had carefully prepared and documented his remarks. I hope the Senator will read and examine those remarks tomorrow in the printed RECORD.

I predict that he will then come to the floor and offer an apology to my distinguished friend from Mississippi.

Mr. JAVITS. Mr. President, will the Senator yield briefly?

The PRESIDING OFFICER (Mr. PELL in the chair). Does the Senator yield?

Mr. HOLLAND. I yield again.

Mr. JAVITS. I shall read with the greatest care every word the Senator from Mississippi has said. Second, I was addressing myself to a particular statement about a particular thing. Third, and most important of all, I was not excoriating anybody. I do not intend to do so. For that I would apologize, because I had no such design.

Mr. HOLLAND. I anticipated that the Senator would apologize, and I appreciate the Senator's apology, but I hope he will make the apology to the Senator from Mississippi and not to the Senator from Florida.

Mr. JAVITS. We are talking about excoriation, and that is not what I had in mind. I was excoriating no one, and I apologize to no one. I say to the Senator—because he raises an interesting point about those who serve in our Armed Forces from the South—that I hope very much that there will never be a change in the patriotism of those men. I have never heard of an instance in which anyone from the South refused to serve or was inhibited from service or was encumbered in his service by what the United States might do to eliminate racial segregation or discrimination. I hope that day will never come. I do not think it will.

I say, affirmatively, with respect to any person in the South who has the patriotism to serve his country in the Armed Forces, and many heroes have come from there—I say, with pardonable pride, that we from New York have had our share of heroes, as have other States in which the people do not feel the same about these matters as do such persons. I shall always believe, as I believe now, that no southern person who is able to serve this country in the Armed Forces would withhold that service or diminish that service one whit because of what the United States might do in pursuance of this very deep and trying issue in which we are engaged. I deeply feel that way.

I understand the Senator's feeling on the subject. I often wish that we could be given as much credit for sincerity in this particular controversy at issue as Senators from our Southern States feel we should give to them. I find that we are always assumed to be speaking politically, always assumed to be extreme, and always assumed to be going over a precipice; but that is not considered to be true of our southern friends, notwithstanding the fact of tremendous disorder, tremendous protests, to say the least, and tremendous measures of repression which we see now not in the North—where we have our share of troubles, too—but in the South.

I believe that history and the facts are on our side.

Be that as it may, I say only that I wish to affirm my deep feeling for the patriotism and the sincerity of any southerner, no matter what may happen in this controversy, and my deep feeling that the sincerity and patriotism for our Nation, in and out of the armed services, will continue, regardless.

Mr. HOLLAND. Mr. President, I appreciate the statement by the distinguished Senator. Insofar as the Senator from Florida is concerned, he thinks he understands the situation. The editorial to which he has referred came from the New York Times. It referred to what was happening on the part of integration leaders in the city of New York.

It is that reference which the Senator from Florida has placed in the RECORD; and he hopes that his distinguished friend not only will read that but also will ask himself the question—as to whether the extreme character of the activity complained of by the editorialist, which he says is making for a breakdown of a movement in which that paper deeply believes—whether that comment might or might not apply to him and others who have taken some rather extreme positions on the floor of the Senate.

AMENDMENT TO AGRICULTURAL ACT OF 1949

The Senate resumed the consideration of the bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HOLLAND. Mr. President, anticipating the fact that other Senators will wish to be present for the debate which will follow, I suggest the absence of a quorum.

Mr. CLARK. Mr. President, will the Senator withhold that suggestion briefly?

The Senator from Oregon [Mrs. NEUBERGER], who is across the hall, and I have been trying to obtain the floor all day. We wish to speak for only 15 or 20 minutes. Our names are on the quite informal, illegal list at the desk. I wonder if the Senator could give us the benefit of a few minutes.

Mr. HOLLAND. Mr. President, I certainly do not wish to be discourteous to my friend. I have been waiting since 12 o'clock for the Senate to consider a bill on which I am acting merely on the mandate of the commitee to which I belong, the Senate Committee on Agriculture and Forestry, under instructions to suggest the absence of a quorum, so that a number of Senators who are much more interested in the subject than I can be present. It is now 3 hours and 25 minutes later, and I think my friend will agree that is rather a large showing of courtesy to associates.

I would prefer to have the quorum call and then to move ahead. When I complete my remarks, which will not take more than 15 or 20 minutes, I shall be glad, of course, to have the Senator take the floor on his own time. If the Senator has a comment of 3 minutes or so, I have yielded to other Senators for such comments.

Mr. CLARK. The Senator's name is on the list before mine. I withdraw my request.

Mr. HOLLAND. My name was not put on the list at my request. It was put on the list because I was expected to speak on the bill, I suppose. I assume that is what the Senator refers to.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLAND. Mr. President, I ask unanimous consent that further proceedings under the quorum call be discontinued.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield for the purpose of my making a point of order?

Mr. HOLLAND. I yield to the distinguished Senator from Wisconsin so that he may make a point of order.

Mr. PROXMIRE. Mr. President, I make a point of order that the bill which is now under consideration is not properly before the Senate because, at the time the vote to report the bill was taken in committee, a quorum was not actually present. I have checked this with the clerk of the committee, and it is my understanding that only six Senators answered to their names.

It is true that there had been a quorum of the committee earlier in the day and that that quorum had been present during the discussion of the bill. The fact is that there was not a quorum physically present at the time the vote was taken, and for that reason I feel that the bill is not properly before the Senate.

I wish to make one further point in discussing my point of order against the bill; I do not make this point of order merely to delay the bill. I do it because I feel very strongly that S. 527, the so-called Williams bill, should receive consideration before this bracero bill is acted on. S. 527 would give domestic agricultural workers—American citizens—the same protections that we provide in the pending bill for the braceros—Mexicans.

In the second place, I make this point of order because the committee acted on the bill without giving it any significant consideration. Although several of us on the committee pleaded for hearings, no hearings were held. Hearings were desired. The situation regarding the braceros program has changed drammatically in the past 2 years since this matter was last before the committee. The bill should be returned to the committee to permit the Senate to have the benefit of hearings.

Mr. President, the committee has failed to secure the opinion of the Department of Agriculture or the Department of Labor.

Why should the Senate be afraid of determining where the administration stands on this bill before we act? I will tell you why; because the administration is against this bill in its present form.

Mr. President, I ask for a ruling.

The PRESIDING OFFICER. The Chair must inquire of the chairman of the committee as to what the facts are. The Chair is not conversant with the facts, and must depend on the chairman of the committee.

Mr. ELLENDER. Mr. President, if the Chair sustains the point of order of the Senator from Wisconsin, I should say 50 percent of the bills that come from committee would be in the same category as the one that is now before the Senate.

Ever since I became chairman of the committee, I have made it a rule to have a quorum present and, after a quorum is present, if any member of the committee desires to leave because of some other meeting, a proxy is left, and I am usually told how to vote that proxy.

In this case at the time of the actual voting to report the bill, I believe six members of the committee were present. The others had left proxies that were cast by me pursuant to instructions by Senators who were present at the meeting.

As I have said, committees have been proceeding in that manner for many years—in fact, ever since the act was put on the statute books in 1946. I am very hopeful that the Chair will rule with us.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. HOLLAND. Does the Senator recall that, before the Senate began the discussion of this bill, there were some 11 or 12 members of the committee present, one of them being the Senator from Florida?

Mr. ELLENDER. Yes. There were 12 members of the committee present when discussion of the bill began. All members of the committee voted in person or by proxy, and the vote was 12 to 5 in favor of reporting the bill. Every member of the committee had the chance to express his views and to vote on the bill.

Mr. HOLLAND. Does the Senator recall that, after substantial discussion, the Senator from Florida, and perhaps other Senators who had critical appointments—I, for instance, had an appointment for the markup of the space bill, which had been going on for about an hour at the time I had left—left the committee, and with full knowledge of the issue before the committee, left with the distinguished Senator from Louisiana my proxy to be cast, as I am sure he cast it, for reporting the bill? Does the Senator recall that?

Mr. ELLENDER. I do. That is the same thing that obtained with respect to a number of other Senators. It would seem to me that the distinguished Senator from Wisconsin had ample opportunity to make a point of no quorum when the bill was actually voted out. He was present at the time. I cannot understand this situation.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. I should like to inquire specifically if a point of no quorum was made by any of the members of the committee who were present and who opposed the passage of the bill.

Mr. ELLENDER. No. They voted, without raising any question as to the presence of a quorum.

The PRESIDING OFFICER. Will the chairman of the committee inform the Chair specifically whether a quorum was present at the time the vote was taken on S. 1703?

Mr. ELLENDER. At the time?

The PRESIDING OFFICER. At the time.

Mr. ELLENDER. By proxies, yes; but not actually.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ENGLE. The committee record shows that a quorum was present. Is that correct?

Mr. ELLENDER. That is correct.

Mr. ENGLE. No point of no quorum was made at the time the bill was reported.

Mr. ELLENDER. That is correct.

Mr. ENGLE. The record shows that a quorum was present, and no point of order was made at that particular time, and members drifted in and out. Is that correct?

Mr. ELLENDER. That is correct. That is exactly the way it happened, and it happens in all committees.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. ALLOTT. A majority of the committee voted to report the bill. Is that correct?

Mr. ELLENDER. Yes.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. JORDAN of North Carolina. I was present at the meeting when the bill

was called up. A majority of the committee was present.

The PRESIDING OFFICER. Does the Senator from Wisconsin press his point of order?

Mr. PROXMIRE. Yes; I press my point of order. I wish further to point out that it has now been disclosed and stipulated and agreed upon by the chairman of the committee that a quorum was not present at the time the vote on the bill was taken. It is true that a quorum was present earlier. It is true that a substantive majority was present earlier, but at the time the vote was taken no physical quorum was present in the committee room to vote.

Mr. ELLENDER. The records of the committee show that a quorum was present at the meeting.

The PRESIDING OFFICER. By proxy?

Mr. ELLENDER. A quorum was present at the time the meeting began, when the question of a quorum arose.

The PRESIDING OFFICER. Was a quorum present at the time the vote was taken on S. 1703?

Mr. ELLENDER. No.

The PRESIDING OFFICER. In view of the point of order that has been made, and the rule which necessitates that a ruling be made, the Chair rules that under section 133(d) of the Legislative Reorganization Act of 1946, which operates as a rule of the Senate, and provides that: "No measure or recommendation shall be reported from any such committee unless a majority of the committee were actually present," the Chair sustains the point of order.

If the Committee on Agriculture and Forestry reported the bill (S. 1703) in question without a majority of the members being actually present, the action of the committee in ordering the bill to be reported to the Senate was in contravention of the above section of the Legislative Reorganization Act, and therefore such action was without authority and void.

Being "actually present" means the member would have had to be present in committee, and a poll does not present a compliance with the rule.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. What is the status of the bill following the ruling of the distinguished Presiding Officer?

The PRESIDING OFFICER. The status of the bill is that legally it has never left the committee.

Mr. HOLLAND. The status of the bill is that it is still in the custody of the committee?

The PRESIDING OFFICER. It is in the custody of the committee.

Mr. ALLOTT. Mr. President, I do not question the ruling of the Chair in this respect. The Chair is entirely correct in his ruling. It has been my understanding that this is the rule of the Senate. It is my understanding that the Chair has ruled in accordance with a rule of the Senate. I have no quarrel with that ruling. However, I have certain facts that I believe should be made clear to the Senate.

The Senator from Wisconsin knows, as does every other Member of the Senate, that in using this extra-legal maneuver to defeat the bill, he is employing an artifice which could keep 90 percent of the bills in the Senate off the calendar the day they are reported to the Senate.

This morning the Committee on Interior and Insular Affairs reported three bills. All three of them are here illegally according to the artifice employed.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. ALLOTT. I will not yield at this time. I have been waiting since noon. It is now 3:40 o'clock, p.m.

I believe the facts in the case should be known to the Senate and to the public. The work of Senators on committees is so voluminous that it is impossible to remain in a meeting of a committee all the time. If the work of the committee is to be accomplished, it must be accomplished in the way the distinguished Senator from Louisiana [Mr. ELLENDER] has accomplished the work here, and as the distinguished Senator from Florida has stated it.

As an example, this morning I had one committee meeting at 9:30. Two other of my committee meetings were being held in adjoining rooms at 10 o'clock. I talked with another Senator, who said he had five committee meetings to attend this morning. It is obvious that no Member of the Senate can attend every one of his committee meetings.

However, the Chair has stated the rule. I would like to suggest the modus operandi nevertheless, because the modus operandi of the committees of the Senate has been, for the 9 years that I have been a Member of the Senate, exactly in conformity with the manner in which the distinguished Senator from Louisiana stated it today. If this is to be the rule from now on, we can use the rule. However, there will have to be a drastic change in the way the Senate is operated, or about 90 percent of the bills will have to be sent back to committee.

Mr. HOLLAND. Of course, I gladly accede to the ruling of the Chair, which I understand is based on the advice of the Parliamentarian. I wish the RECORD to show quite clearly what is accomplished by this delay. Hearings on the bill were held in the House of Representatives. Printed hearings show a record of nearly 400 pages. They show that even in the last year, though the number of the Mexican laborers on the farms of the West has been declining, substantially 200,000 were relied upon and were necessary to move the highly perishable crops in that great part of the country. I wish the RECORD to show the names of the minority members of the committee who signed the minority report. I understand there were 4 of them—4 out of the entire membership of 17. I wish to do this so that farmers throughout the country may know who is holding up the consideration by the Senate of this measure which is of such great importance to them.

I ask unanimous consent that the names of the four signers of the minority views appear in the RECORD at this time, as a part of my remarks.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

WILLIAM PROXMIRE.
EUGENE MCCARTHY.
MAURINE NEUBERGER.
GEORGE MCGOVERN.

Mr. PROXMIRE. Mr. President, in reply to the remarks of the distinguished senior Senator from Colorado [Mr. ALLOTT], let me say that there was nothing extralegal about this procedure. My action is not an artifice as the Senator from Colorado said. Every Senator is free to use the rules of the Senate. The fact is that 90 percent of the bills are passed by the Senate on the so-called Consent Calendar. Any Senator is free to object to the passage of any bill when the calendar is called, and no Senator feels that it is wrong or unfair for any Senator to object. What I have done in making a point of no quorum is the same kind of thing.

This very point of order was raised against one last year in connection with the appointment of the collector of customs in Superior, Wis. The Committee on Finance reported the nomination of John G. Green, for collector of customs. My distinguished friend the then senior Senator from Wisconsin, Mr. Wiley, made the point of order on the floor of the Senate that the nomination was improperly before the Senate, inasmuch as a quorum was not present at the time the nomination was reported by the committee.

I did not complain; I did not say it was unfair. He had every right to do so. He was against that nomination; I am against this bill. I will do anything I possibly can to kill the bill. The bill is morally wrong; it is economically wrong; it is unsound.

I hope that the extra time that will be afforded will give Senators an opportunity to study the hearings which were held yesterday, and to give deep consideration to the measure.

The bill was killed in the House. It was killed, as the distinguished Representative from Rhode Island, Mr. FOGARTY, put it, because it was a slave-labor bill. It would be very bad legislation. It would be bad for the Mexicans, who are brought here as peons, and separated from their families for months. It would be bad for American domestic farm laborers, who are the most depressed people in the country, having no representation, really, in Congress, because they drift from State to State and therefore have no political force. They are people who earned last year an average of $900 a worker. Their wages are being artificially cut down because the Government of the United States maintains a program of importing Mexican workers to compete with them to perform this labor at a very low wage—70 cents or 60 cents an hour.

I make no apology for the part I played in delaying the bill. I earnestly

hope that it will result in the death of the bill.

Mrs. NEUBERGER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield to the Senator from Oregon.

Mrs. NEUBERGER. Would the Senator from Wisconsin like to clarify one point? He commented about hearings held yesterday. I believe no hearings were held in the Committee on Agriculture and Forestry.

Mr. PROXMIRE. The Senator is absolutely correct. The only hearings that were held to get information on this bill were hearings on another bill, S. 527, which was before the Committee on Labor and Public Welfare. The distinguished Senator from New Jersey [Mr. WILLIAMS] courteously notified some of us who are members of the Agriculture Committee, so that we could appear and ask questions of the Secretary of Labor about the bill now before the Senate. The Secretary of Labor was vehemently opposed to the bill in the way in which it is drafted. He proposed the adoption of a far-reaching amendment before he would endorse a year's extension. The language of Under Secretary of Labor Henning was particularly strong. Let me read to the Senate what he said, in two or three short sentences:

> Essentially, Senator, it is because of this that we submit Public Law 78 is a broad law—

That is the one proposed to be extended—

> it is a wretched law that should be buried. Being an American citizen places one at a serious disadvantage under the option of this law, because the simple fact is that under the present system an employer can refuse to offer domestic workers the same terms and conditions that he is required to offer alien workers. If the domestic worker refuses to accept the job at less favorable terms, the employer is permitted to bring in Mexican workers who are then afforded the very terms and conditions which were denied to our own workers.

Mr. MANSFIELD. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Has the Chair ruled on the point of order?

The PRESIDING OFFICER (Mr. PELL in the chair). The Chair has sustained the point of order.

Mr. MANSFIELD. Then I see no need of continuing the discussion.

Mr. PROXMIRE. I had almost concluded.

Mr. MANSFIELD. I wish I had been informed about the situation ahead of time, because I assure Senators that the proposed legislation would not have been placed before the Senate. I knew nothing about the situation until I was called in my office and informed that a point of order had been made and that it had been upheld. The reason why I asked the Chair for a ruling now was to confirm what I had been told.

I hope that if things like this ever happen again, the leadership will at least be given the courtesy of being notified. If we had been notified, I assure the Senator from Wisconsin that the measure would not have been laid before the Senate; nor would the Senate have been notified last week that on Wednesday of this week the bill would be the pending business.

Mr. PROXMIRE. Mr. President, 25 minutes ago, I had no notion of making the point of order; but another Senator, gifted in parliamentary procedure, suggested that this might be a way to dispose of the bill. So I checked with the clerk of the committee and then with the Parliamentarian, and found that it was a possibility. As a courtesy, it was suggested that we should wait until the chairman of the committee was on the floor of the Senate.

I think Senators are aware that points of order are sometimes made when the consideration of proposed legislation is underway.

The majority leader has every reason to request Senators, when it is proposed to make points of order, to notify the leadership, provided the action is contemplated a day or more in advance. But many, many times in fact, I would say it is the rule, not the exception, a point of order is made impromptu, without previous plan and no one is notified. Certainly it has not been a common practice in the Senate to notify the leadership when a point of order is made, as the point was made in this case.

Mr. MANSFIELD. I understand. But in this instance, the action was a little uncommon. I have been placed in a very difficult position. The leadership has been accused of trying to railroad the bill through the Senate.

Mr. PROXMIRE. Not by me.

Mr. MANSFIELD. I have responded to the questions asked by Senators in good faith—I always assume—and answered in good faith—I always know—as to when the proposed legislation would be taken up. I assure the Senate that had I been informed that the bill had not been considered by a quorum of the Committee on Agriculture and Forestry, and that a point of order would be raised against the bill, it would not have been laid before the Senate; the leadership could have made other plans.

I say this not in criticism of the Senator from Wisconsin, because I understand his position perfectly; he knew about it only a short while ago; I make this statement in explanation of the position of the leadership on this proposal.

Now that the Chair has rendered its decision—and it is a correct one—I hope that the chairman of the Committee on Agriculture and Forestry will, at the most appropriate time, call the committee together, if he so desires, make certain this time that a quorum is present, and either report the bill to the Senate or retain it in committee.

Mr. HOLLAND. Mr. President, I wish to correct one impression the distinguished majority leader may or may not have. There had been more than a quorum present when the earlier discussion of the bill took place. Some members of the committee had to leave because of important assignments elsewhere. For instance, the Senator from Florida, speaking only for himself, was assigned to participate in the markup of the important space bill at the same hour that the meeting of the Committee on Agriculture and Forestry was held. The Senator from Florida remained 45 minutes, perhaps an hour—I am approximating—and when it became apparent that we all knew what the bill provided, I announced that I was for the bill and left my proxy to vote for the bill with the distinguished chairman of the committee.

It developed that I held the proxy of another Senator, so I called the Senator whose proxy I held and got his consent for me to leave his proxy with the distinguished chairman of the committee.

The only thing that could be properly said to have been out of order—of course, I bow to the opinion of the Parliamentarian, upon whose advice the Presiding Officer ruled—was that a majority was not present at the precise moment of the vote. So the point of order is well taken.

I have no criticism to make of the Senator from Wisconsin or of any other Senator who might raise the point of order. I thoroughly agree with the distinguished majority leader that, as a matter of courtesy and cooperation with the majority and minority leaders, in such a case advance information should be given. Whenever the Senator from Florida has been in such a situation, he has followed that practice in connection with his own matters.

I have never raised a point of order in such an instance as this, because I know from long practice that in most cases committee reports are finally acted upon after some members of the committee, who had to go to other pressing assignments, when they knew what the issue was and had heard enough of the debate to be certain of what they wished to do, left their proxies either with the distinguished chairman or some other member of the committee.

I would not want the RECORD to indicate that a majority of the committee had not been present during the discussion of the bill, because that was not the case. I am sure the Senator from Wisconsin will recognize that statement to be true.

The Senator from Florida, having presided a good many times himself, knows pretty well on what the decision of the Chair is based. I am trying to relieve my friend the distinguished Presiding Officer, from any responsibility of having had to draft this decision out of thin air, which he did not do; he acted upon the advice of the Parliamentarian. The Senator from Florida was trying not to have any erroneous impression embedded in the RECORD. If anything I have said might be considered a discourtesy to the distinguished Presiding Officer, the Senator from Florida would be glad to withdraw that remark.

Mr. MANSFIELD. Mr. President, I am sure that no discourtesy was meant to the distinguished Senator from Rhode Island, who, during this proceeding, has been the Presiding Officer of the Senate, because he is the soul of honor and dignity.

I am certain that every Senator has acted honorably; but I express the hope that if this idea is ever contemplated

again, at least the leadership will be given the advantage of advance notice, so we can protect the Senate and can avoid any such situation.

At this time I wish to make another personal appeal to the chairmen of all the committees; namely, please to get busy on the proposed legislation on which they are holding hearings or on which they intend to hold hearings, and to report some bills to the Senate, so that they will be available for floor consideration, if they wish them to be considered at this session. Time is short.

Mr. ELLENDER. Mr. President, will the Senator from Montana yield?

The PRESIDING OFFICER (Mr. METCALF in the chair). Does the Senator from Montana yield to the Senator from Louisiana?

Mr. MANSFIELD. I yield.

Mr. ELLENDER. Mr. President, I am very much embarrassed by this situation. Not since 1946, when the Legislative Reorganization Act was placed on the statute books, have I known such a point of order to be made.

As the Senator from Florida indicated a moment ago, I wish to state that at all times in the committee when we discussed this bill, except when we were voting, as many as 12 Senators were present. It was suggested that any Senators not present be polled on the question; and the record shows that all members of the committee voted either one way or the other. Twelve voted in favor; five voted against. The only unfortunate thing is that a quorum was not present at the time when the vote was actually taken.

I have no quarrel with the Chair, although I do have with the Senator who raised the point of order. He should have notified us, or he should have made the point of no quorum at the time when the reporting of the bill was voted by the committee. But he did not do so.

Mr. DIRKSEN. Mr. President, let me say that I helped write the rule in 1946, and it is as unequivocal and as clear as crystal. It is the fruit of abuses which used to take place when there were 32 Senate committees and 43 House committees. Subsequently we streamlined that number to 15 Senate committees and 19 House committees. But bills used to be reported from committees when only one or two members were present.

I recall very definitely—for I was a member of the joint committee—that in writing that rule we used the words "actually present"; and a quorum of the members must be present.

So I think this rather embarrassing situation comes as a timely reminder that when the vote on the question of reporting a bill is taken in a committee, the members should be certain that a physical quorum is present. In fact, on occasion I try to make sure that a quorum is present—having in mind that I might make use of that very rule with respect to bills to which I am opposed.

However, the situation which has developed here is not irrevocable. Following such a ruling by the Chair, at a time when no bill is before the Senate the majority leader can move that the Senate adjourn; and when the Senate adjourns, the distinguished Senator from Louisiana can quickly convene a meeting of the committee—even in the cloak room, for that matter, for five or six members of the committee are now present—and then the committee can order the bill to be reported; and then it can be reported, and can again be placed on the calendar.

Mrs. NEUBERGER. Mr. President, I should like to call attention to the fact that the colloquy which has occurred during the past hour indicates the great interest in the bracero bill, and I believe it behooves the chairman of the committee to consider having some testimony submitted by the Department of Labor. On the prior occasion, the committee refused to hold hearings; but now there is much evidence that perhaps hearings should be held before the bill is summarily reported.

INCLUSION OF DISTRICT JUDGE OR JUDGES ON JUDICIAL COUNCIL OF EACH CIRCUIT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 244, Senate bill 979, so that the bill will be laid before the Senate and will become the pending business.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 979) to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5207) to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes.

LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, for the information of Senators, I announce that no further business will be transacted this afternoon. Calendar No. 244, Senate bill 979, has been laid before the Senate because there is no other measure to lay before the Senate. At the moment, the entire calendar of legislative business comprises only one page of the calendar; therefore, we have no choice but to do what we have done.

It may be that some Senators will wish to address the Senate later this afternoon.

ORDER FOR ADJOURNMENT TO FRIDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its session today, it stand in adjournment until Friday next, at 12 o'clock noon.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

STATUS OF THE CALENDAR

Mr. DIRKSEN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. I compliment the majority leader on keeping a streamlined calendar. I have never served in a session in which the calendar was so short, as regards the number of bills on the calendar. This is testimony to the dispatch with which the majority leader continues to dispose of the legislative business which finds its way to the calendar of the Senate.

Mr. MANSFIELD. The compliments of the Senator from Illinois should be extended also to the minority leader and to the Senate as a whole.

PROGRAM FOR AMENDMENT TO AGRICULTURAL ACT OF 1949

Mr. ALLOTT. Mr. President, will the majority leader yield?

Mr. MANSFIELD. I yield.

Mr. ALLOTT. I should like to ask a question: In the event that Senate bill 1703 is reported from the Committee on Agriculture and Forestry, is there a possibility that the bill might be made the business before the Senate during the following week?

Mr. MANSFIELD. It will not be made a matter of business for the Senate until the leadership is 100 percent certain that a quorum was in attendance when—and if—the bill is ordered reported from the committee.

Mr. ALLOTT. Suppose the distinguished majority leader were assured that a quorum was present—all the bodies counted and blood-tested, and all accounted for. Would the majority leader think the bill might then become the business of the Senate for the following week?

Mr. MANSFIELD. There is that possibility for the following week; but I would not want to make a hard and fast commitment now, and I am sure the Senator from Colorado would not want me to, because I could not. But if the bill is reported, ample notice should be given. Personally, I would wish to make sure that a quorum was actually present at the time when the committee voted to have the bill reported.

READJUSTMENT ASSISTANCE TO CERTAIN VETERANS

Mr. YARBOROUGH. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. YARBOROUGH. I invite the attention of the majority leader to Calendar No. 319, Senate bill 5, to provide readjustment assistance to veterans who served in the Armed Forces during the induction period.

Mr. MANSFIELD. The Senator from Texas need go no further.

Mr. YARBOROUGH. I wish to assure the majority leader that a quorum of the committee was present when the committee voted to have the bill reported.

Mr. MANSFIELD. I am sure of that; but, as the Senator from Texas knows, the majority leader is under instructions as to certain questions he should ask in certain quarters; and at the moment he is in process of undertaking that quest.

Mr. YARBOROUGH. Mr. President, I desire to thank the distinguished majority leader for the inquiries he is making, and I sincerely hope they are successful.

I point out that 39 Senators have joined in sponsoring Senate bill 5; and that bill—which is of great importance, in view of the fact that 5 million veterans are not going to school, and in view of the further fact that the number of veterans in that category who are unemployed is more than twice as great as the number of nonveterans in that age category—is in a critical status.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Texas has said.

HUMANE TREATMENT OF ANIMALS USED IN EXPERIMENTATION

Mrs. NEUBERGER. Mr. President, the Senator from Pennsylvania [Mr. CLARK] and I are joint sponsors of Senate bill 533, known as the bill for humane treatment of animals used in experimentation.

Recent editorials published in magazines and other periodicals have focused attention on the fact that the bill is quietly resting in one of the Senate's committees.

I, myself, have been the recipient of a great deal of mail on the subject of humane treatment of laboratory animals. Not all of that mail has been in support of my position; in fact, some of the negative mail I have received has come from persons in the scientific world whom I respect very highly.

But in nearly every case I have noted that they obviously have not read the bill. I am sure that the Senator from Pennsylvania [Mr. CLARK] and sponsors of similar proposed legislation in the House, including myself, do not feel that we wish to deter the advancement of medical science by preventing medical science from experimenting on animals. But because a great deal of progress is being made in that field all the time, our attention has been called to the need for some rules and guidelines for the handling of the animals. A person whom I respect highly and who has taken issue with me in my support of the measure admits that there is a need for some kind of control. I quote part of his letter:

> I think what we must keep clearly in mind is a distinction between the humane care of animals, and the regulatory control of scientific experiments which are spelled out in these bills. Most responsible investigators will welcome inspection procedures which insure adequate housing, the use of trained animal-care personnel and the availability of proper facilities for the humane care of the animals.

That is what the sponsors of the bill hope will be accomplished by our proposal.

One of the prominent doctors of the world is Dr. Albert Schweitzer, a Frenchman who 50 years ago went to what was literally then deepest and darkest Africa. He became a medical technician, a doctor, and a lover of the people of West Equatorial Africa. He has devoted his life to working with those people. Therefore, it was a great delight for me to receive a letter from Dr. Schweitzer when he heard—not from me—of the proposed legislation in the Senate. The letter is written in German, and since I do not read German—and I doubt if many Senators do—I had the letter translated. I should like to read the translation at this time:

> MY DEAR SENATOR: As you feel it right for me to give my support to the law for compassion toward laboratory animals, I do so gladly. The ethic of reverence for life obliges us to be watchful always to treat animals with compassion, and all the more so when it concerns those creatures that servc medical research. If you pass such a law in the United States, it will have important meaning for the world. The law will then gain recognition in other nations, too.
>
> "In the beginning was the deed" is an old saying. I am happy that you and the animal welfare institute are taking the initiative.
>
> Faithfully yours,
>
> ALBERT SCHWEITZER.

I emphasize the fact that Dr. Schweitzer refers to concern for creatures that serve medical research, which is indicative of the fact that neither he nor the supporters of the bill are opposed to the use of animals in medical research.

Mr. CLARK. Mr. President, will the Senator yield?

Mrs. NEUBERGER. I am glad to yield to the Senator from Pennsylvania.

Mr. CLARK. I should like to emphasize what seems to me to be the great importance of having Albert Schweitzer, one of the great philosophers of the world, as well as one of the leading doctors in the world, with a career in helping to cure people of illness, support the measure which I was happy to sponsor and of which my good friend from Oregon is the principal cosponsor.

I hope that the Senator will have printed in the RECORD the letter from Dr. Schweitzer which she has just read, so that we can obtain reprints and have them widely distributed. If the Senator does not object, I ask unanimous consent to have printed at this point in the RECORD the letter from Dr. Albert Schweitzer which the Senator from Oregon [Mrs. NEUBERGER] has read.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAMBARÉN, GABON,
West Equatorial Africa, May 6, 1963.

Senator MAURINE NEUBERGER.

MY DEAR SENATOR: As you feel it right for me to give my support to the law for compassion toward laboratory animals, I do so gladly. The ethic of Reverence for Life obliges us to be watchful always to treat animals with compassion, and all the more so when it concerns those creatures that serve medical research. If you pass such a law in the United States, it will have important meaning for the world. The law will then gain recognition in other nations, too.

"In the beginning was the deed" is an old saying. I am happy that you and the Animal Welfare Institute are taking the initiative.

Faithfully yours,

ALBERT SCHWEITZER.

Mr. CLARK. I ask my friend, the Senator from Oregon, how her mail has been running on the bill?

Mrs. NEUBERGER. My mail has been running 5 to 1 in support of the bill which the Senator and I have cosponsored. Even the negative mail in most cases admits that there is reason for the introduction of some kind of control measure, though the writers of such letters do not go the entire way with the bill. Responsible workers in research laboratories admit that there are abuses which need to be looked into.

Mr. CLARK. Mr. President, will the Senator yield further?

Mrs. NEUBERGER. I am glad to yield.

Mr. CLARK. I would like to advise Senators that since the first of this year, and through July 12, I received 1,070 letters supporting S. 533, and only 345 letters in opposition, the opposition coming, I regret to state, largely from doctors, medical students, and scientists.

One could tell from reading their letters that the writers had not read the bill. One could tell how terribly misinformed they were as to what the bill contains. I am confident that if those highly intelligent people had not been so misinformed, they would certainly have written very different kinds of letters.

I have received 412 letters in support of, and 362 letters in opposition to a bill introduced in the House of Representatives by Representative RANDALL, H.R. 4856. In my opinion the Randall bill is not as good a bill, from the point of view either of orderly administration or of the proper protection of animals from unnecessary cruelty, as the bill the Senator from Oregon [Mrs. NEUBERGER] and I are supporting. Therefore, some of the letters against the Randall bill come from proponents of our bill.

I ask my friend, the Senator from Oregon, if she would briefly outline, so readers of the CONGRESSIONAL RECORD will get the truth, what our bill would do.

Mrs. NEUBERGER. I am glad to comply by summarizing what is stated in the introduction to the bill. It is proposed to provide for the humane treatment of vertebrate animals used in the experiments and tests by recipients of grants from the United States, and by agencies and instrumentalities of the U.S. Government, and for other purposes. One of the most important provisions of our bill is that it would require the Secretary of Health, Education, and Welfare to issue certificates of registration to persons applying for licenses to work on animals, and that they show that they have proper facilities and personnel, such as proper kennels and treatment for the animals; that they have some experience that gives them the equipment to comply with the requirements of the act; and that the animals shall receive adequate food and water, and shall not be caused to suffer unnecessary or avoidable pain.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 2, 1963
For actions of August 1, 1963
88th-1st, No. 117

CONTENTS

Adjournment....14
Appropriations....3
Area redevelopment....7
Budget....11
Consumers....8,26
Cotton....7
Data processing....12
Economics....20
Electrification....22
Employment....33
Expenditures....11,34
Farm credit....2
Farm labor....1,10,17
Farm program....16
Foreign aid....4,21,28
Foreign trade....18
Forestry....15
Holiday....18,29
Legislative program....13
Lumber....5,13,15
Nominations....2
Oceanography....13
Opinion poll....15
Organization....27
Pay increase....24
Performance ratings....31
Personnel....9,18,24,29,31,33
Potato plant....7
Public debt....13
REA loans....32
Recreation....23
Time standards....30
U. N. funds....15
Vocational education....6,13
Wilderness....25

HIGHLIGHTS: Senate committee voted to report Mexican farm labor bill. House committee completed markup of foreign aid authorization bill. House committee voted to report Labor-HEW appropriation bill. House Rules Committee cleared bill to expand vocational education program. House committee reported bill to exclude lumber shipments from certain Shipping Act requirements. House committee received permission to report Area Redevelopment bill by Sat. Reps. Widnall and Langen criticized Area Redevelopment program. Rep. Rosenthal favored establishment of Office of Consumers. Rep. Lindsay introduced and discussed wilderness bill.

SENATE

1. FARM LABOR. The Agriculture and Forestry Committee voted to report (but did not actually report) with amendment S. 1703, to extend the Mexican farm labor program. p. D589

2. NOMINATIONS. The Agriculture and Forestry Committee approved for reporting the nominations of Kenneth T. Anderson and Lorin T. Bice to be members of the Federal Farm Credit Board, Farm Credit Administration. p. D589

3. LABOR-HEW APPROPRIATION BILL, 1964. The Appropriations Committee voted to report (but did not actually report) with amendments this bill, H. R. 5888. p. D589

HOUSE

4. FOREIGN AID. The "Daily Digest" states that the Foreign Affairs Committee "completed markup of H. R. 5490, the Foreign Assistance Act of 1963, and ordered a clean bill introduced (H. R. 7885)." p. D591

5. LUMBER. The Merchant Marine and Fisheries Committee reported with amendment H. R. 1157, to exclude domestic shipments of lumber from certain tariff filing requirements under the Shipping Act of 1916 (H. Rept. 630). p. 13146

6. VOCATIONAL EDUCATION. The Rules Committee reported a resolution for consideration of H. R. 4955, to improve and expand the vocational education program (H. Rept. 632). pp. 13129, 13146

7. AREA REDEVELOPMENT. Unanimous consent was granted to the Banking and Currency Committee to file a report by midnight Sat., Aug. 3, on S. 1163, to amend provisions of the Area Redevelopment Act. p. 13129

Rep. Widnall criticized administration of the Area Redevelopment program and inserted an editorial critical of the reported political deal to tie passage of area redevelopment legislation with passage of cotton legislation. pp. 13137-8

Rep. Langen criticized the reported consideration by the Area Redevelopment Administration of "the possibility of setting up a potato processing plant in one section of Minnesota to compete with processing plants in the very same State." p. 13138

Rep. Rhodes commended accomplishments of the area redevelopment program in Pa. p. 13130

8. CONSUMER COUNCIL. Rep. Rosenthal criticized the Consumer Advisory Council as having "displayed excessive timidity and administrative ineptitude during its brief history," and favored enactment of legislation to establish an independent Office of Consumers. pp. 13141-2

9. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 6396, to permit certain Federal employees to elect to receive compensation in accordance with Sec. 401 of the Federal Employees Pay Act of 1945 in lieu of certain compensation at a saved rate (H. Rept. 624). pp. 13145-6

A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H. R. 10, to extend apportionment requirements in the Civil Service Act to temporary summer employment. p. D591

10. FARM LABOR. Rep. Gonzalez opposed enactment of legislation to provide for extension of the Mexican farm labor program. p. 14070

11. EXPENDITURES. Rep. Curtis criticized Administration fiscal policies and inserted a table comparing the original budget estimates with the final figures for fiscal 1963, including those for this Department. p. 13137

12. DATA PROCESSING. Received from the Post Office and Civil Service Committee an interim report on the use of electronic data equipment (H. Rept. 627). p. 13146

13. LEGISLATIVE PROGRAM. Rep. Albert announced the legislative program as follows: Mon., Consent Calendar, followed by consideration under motions to suspend the rules of H. R. 6997, program for oceanography, and H. R. 1157, to exempt lumber shipments from certain Shipping Act requirements, and Tues. and remainder of the week, Private Calendar, H. R. 4955, expansion of vocational

Aug. 6, 1963

industry, business, labor, professional groups, and others concerned, (2) cooperate fully with pertinent congressional committees and keep Congress advised periodically concerning his progress, and (3) on or before June 30, 1964, submit a report and make recommendations to the President and to Congress for such administrative and legislative changes as are determined to be in the public interest."

6. PUBLIC DEBT. The Rules Committee reported a resolution for consideration of H. R. 7824, to continue through November 30, 1963, the existing temporary increase in the public debt limit of $309 billion. p. 13535

7. EDUCATION. The Education and Labor Committee reported with amendments H. R. 5542, the proposed Adult Basic Education Act of 1963 (H. Rept. 638). p.13535

8. COTTON. Rep. Sisk spoke in favor of H. R. 6196, the Cooley cotton bill, and inserted correspondence on the matter. p. 13510

9. BEEF IMPORTS. Rep. McLoskey criticized imports of beef from other countries and urged the Administration "to take some positive action to see if an agreement for voluntary import quotas might be reached." pp. 13452-3

10. PERSONNEL; TRAVEL. The Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee voted to report to the full committee H. R. 1959, with amendment, to authorize the transportation of privately owned motor vehicles of Government employees assigned to duty in Alaska, H R. 4460, to authorize payment of travel expenses for student trainees who have been assigned to Federal positions for which there is a manpower shortage, and H. R. 5929, to authorize payment of travel expenses for applicants invited by Federal agencies for visits for purposes of future employment. p. D607

Rep. Multer inserted his testimony before the House Post Office and Civil Service Committee in support of legislation to permit civil service retirement on full annuity after 30 years of service. p. 13510

11. WATERSHEDS. Received from the Budget Bureau plans for works of improvement on the following watersheds: pp. 13534-5

Little Walnut-Hickory, Kans., Bradley Brook, Mass., Broad Brook, Mass., Tri-County Turkey Creek, Okla., Waterfall-Gilford Creek, Okla., Noland Creek, Tex., and Monroe-Annabella, Utah; to Agriculture Committee.

Mill Creek, Ala., and Pine Creek, Tex.: to Public Works Committee.

12. FARM LABOR. Rep. Gonzalez opposed extension of the Mexican farm labor program. p. 13511

Rep. Talcott contended that termination of the Mexican farm labor program would lead to increased farm mechanization and automation and eliminate jobs for domestic farm workers. p. 13511

13. RIVER BASINS. Reps. Hall, Harsha, Schwengel, Gross, and Dorn objected to a request for appointment of conferees on H. R. 6016, to authorize additional appropriations for projects in certain river basins. p. 13452

14. LEGISLATIVE PROGRAM. Rep. Albert announced that on Thurs. the House would take up the rule for consideration of H. R. 7824, the public debt limit bill. p. 13507

SENATE

15. SUGAR. Sen. Ellender expressed concern over the rapid fall in sugar prices and suggested methods that USDA could use to keep the price of sugar from falling below the price objective set in the Sugar Act. pp. 13394-5

16. FARM LABOR. The Agriculture and Forestry Committee reported with amendment S. 1703, to extend the Mexican farm labor program (S. Rept. 391). pp. 13347

Sen. McCarthy inserted an editorial complimenting the work of Sen. Williams (N.J.) in behalf of migratory farm laborers. pp. 13382-3

17. APPROPRIATIONS. Debated H. R. 5888, the Labor-HEW appropriation bill for 1964 (pp. 13440-50). Agreed to the committee amendments en bloc with one exception pertaining to day care services under social Security (pp. 13440-5). Sen. Clark submitted an amendment which he will propose increasing by $30 million the amount to carry forward the Manpower Development and Training Act for retraining unemployed workers (pp. 13445-9). Sen. Proxmire served notice that he would offer an amendment to reduce the total appropriation by $95 million as a method of keeping Federal spending down (p. 13449).

18. LEGISLATIVE ACCOMPLISHMENTS. Sens. Javits and Mansfield debated accomplishments of the 88th Congress, including various agricultural bills. pp. 13386-8

19. NOMINATIONS. Confirmed the nominations of Kenneth T. Anderson and Lorin T. Bice as members of the Federal Farm Credit Board, Farm Credit Administration. pp. 13346, 13451

20. SHIPPING. Sen. Neuberger urged passage of S. 1773, to encourage investment in American merchant marine by providing assistance in construction of vessels, and to stimulate the domestic commerce of the U. S. p. 13369

21. CONSUMERS. Sen. Morton urged passage of the quality stabilization bill. pp. 13377-8

22. FISHERIES. Sen. Gruening inserted various items pertaining to extending territorial waters for the conservation of the U. S. offshore fishery resources. pp. 13403-8

23. ATOMIC ENERGY. Sen. McCarthy inserted an address by Dr. Seaborg, Chairman of the Atomic Energy Commission, discussing the use of atomic energy for peaceful purposes, including the use of radioisotopes for better fertilizers and better diets for farm animals and increased meat, milk, and egg yields. Also, for controlling insects and diseases, forming channels and harbors, merchant ship propulsion and electrification. pp. 13381-2

24. ELECTRIFICATION. Received from the Federal Power Commission proposed legislation to amend the Federal Power Act with respect to the interconnection of electric facilities; to the Commerce Committee. p. 13346

25. LEGISLATIVE PROGRAM. Sen. Mansfield announced that following consideration of the Labor-HEW appropriation bill, S. 1703, the Mexican farm labor extension bill, and S. 1321, to provide for a National Service Corps, will be considered, but "not necessarily in sequence." p. 13425

Calendar No. 367

88TH CONGRESS, 1st Session | SENATE | REPORT No. 391

EXTENSION OF MEXICAN FARM LABOR PROGRAM

AUGUST 6, 1963.—Ordered to be printed

Mr. HOLLAND, from the Committee on Agriculture and Forestry, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany S. 1703]

The Committee on Agriculture and Forestry, to whom was referred the bill (S. 1703), to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

SHORT EXPLANATION

This bill would extend the Mexican farm labor program for 1 year, until December 31, 1964. The committee amendment merely corrects the designation of the section being amended.

COMMITTEE CONSIDERATION

At its regular meeting on June 19, this committee agreed to consider S. 1703 at its next meeting, which was held on July 17. All committee members were notified that Mexican farm labor bills would be considered and on July 17, a quorum being present, the committee took up S. 1703 and S. 1761 and discussed them fully. During the consideration the possibility of holding hearings was discussed, but no motion was made that hearings be held. It should also be mentioned that although the bill, S. 1703, was introduced on June 11, 1963, no requests for hearings had then been received by the committee. Several Senators had to leave the meeting after expressing their views

99-006—63——1

in order to attend other committee meetings. At this meeting the committee voted 12 to 5 to report out S. 1703, 11 Senators voting by proxy, no point of no quorum being raised. Pursuant to this action and the consent of the Senate the bill was reported on July 22 with minority views, Senate Report 372. It was announced on July 25 that Calendar No. 347, S. 1703, would be considered on Wednesday, July 31. This announcement can be found on page 12672 of the Congressional Record of July 25. No objection or point of order was raised at that time. On July 30, S. 1703 was made the unfinished business of the Senate, and on July 31, a point of order was made that a majority of the committee was not actually present at the time the bill was reported. This point was sustained and the bill was returned to committee. On the same day notice was given to all committee members of a meeting on August 1 to consider S. 1703. At that meeting a motion was made for the first time that hearings be held. In view of the facts that (1) the House Committee on Agriculture had held hearings in late March, (2) the issues were the same as those on which this committee held hearings in 1961, (3) the bill involves only a 1-year extension of a program that has been in effect for 12 years, and (4) the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare had held hearings on July 30, 1963, the committee felt that further hearings could achieve nothing but delay and tabled the motion that such hearings be held. While the amendments proposed by the Secretary of Labor were before the committee, no member of the committee proposed that S. 1703 be amended to include them, or that it be amended in any other manner. On August 1 the committee voted 11 to 5 to report the bill, including 1 vote by proxy in favor of the bill and 1 vote by proxy in opposition to it. Fourteen members were actually present at the time the bill was ordered reported.

HISTORY OF THE MEXICAN FARM LABOR PROGRAM

Mexican farmworkers can enter this country as nonquota immigrants under sections 101(a)(27)(C) and 211(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C) and 1181(a)(3)). If Public Law 78 should not be extended, they could also enter as nonimmigrants under sections 101(a)(15)(H) and 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H) and 1184). Mexican contract workers have been employed in American agriculture for over 40 years and a significant number were contracted in the Southwest by private employers during World War I and in the 1920's. While section 3 of the Immigration and Nationality Act of 1917 prohibited the admission of alien contract labor, the ninth proviso set forth an exception affording a legal basis for direct recruitment of such labor in Mexico.

During World War II large numbers of Mexicans were needed to assist in the agricultural war effort, and pursuant to agreements with Mexico and various laws, the Government recruited workers in Mexico under a program generally similar to Public Law 78. This expired December 31, 1947, and was followed immediately by a very troublesome period of private recruitment. To save costs, private employers recruited as close to the border as possible and the Mexicans flooded the border towns looking for work. Away from home and

without funds, Mexicans who could not find employers crossed the border illegally. This method of recruiting created problems for employers, the border towns, the Mexican Government which desired that the workers be recruited from areas of unemployment rather than from areas where they were needed, domestic workers who were adversely affected by both legal and illegal entrants, the Immigration and Naturalization Service, and welfare agencies that had to assist stranded Mexicans. To cure these ills Mexico and the United States met in conference from January 26 to February 3, 1951, and it was then suggested that private recruiting be replaced by recruiting by a Government agency which could guarantee performance by employers of their individual work contracts. The Mexican Government pressed very strongly for this arrangement, and Public Law 78 was enacted to provide such authority. The essence of Public Law 78 is, then, that it provides safeguards to protect domestic workers, the Mexican economy, and others who would suffer if the additional regulation provided by Public Law 78 were not present.

MAJOR FEATURES

The major features of this legislation are as follows:

1. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

2. Authorizes the Department of Labor to (*a*) undertake a recruitment and placement function with respect to such workers, (*b*) assist workers and farmers to enter into contracts for agricultural employment, and (*c*) guarantee the payment of wages and transportation by farmer employers.

3. Requires employers who wish to employ Mexican workers to (*a*) indemnify the U.S. Government for its guarantee of their contracts, (*b*) pay into a revolving fund a fee for each worker to support the program financially.

4. Restricts the use of Mexican workers to instances or areas where the Secretary of Labor certifies that (1) domestic workers, able, willing, and qualified are not available; (2) the employment of Mexican workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and (3) reasonable efforts have been made to attract domestic workers at comparable wages, hours, and working conditions.

5. Eliminates bond requirement of general immigration statutes for such workers.

6. Provides that no such workers would be provided any employer who employs illegal aliens, either with knowledge or with reasonable grounds to believe they are here illegally.

7. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, December 31, 1961, and December 31, 1963.

The program is almost entirely self-supporting and will not burden our financial structure. During the period 1943 through 1947 the entire cost for importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire cost of the program.

Under Public Law 78, the funds for payment of the expenses incurred in recruiting Mexican workers are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is $15 per worker for an initial contract and $15 for a recontract. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again.

PROGRAM OBJECTIVE

The objective of this legislation has always been to provide, under adequate safeguards, workers to perform work generally called stoop labor, which is necessary to the cultivation and harvesting of many crops, but for which there are not sufficient domestic workers. There have always been a number of safeguards in the law to assure that workers will not be recruited under the program if domestic workers are available to do the work, or if such recruitment would adversely affect wages or working conditions of domestic workers. These safeguards were increased the last time the program was extended by (1) requiring that in addition to finding that the working conditions of domestic workers will not be adversely affected, the Secretary of Labor must find that reasonable efforts to attract domestic workers at comparable working conditions must have been made; (2) requiring that no workers recruited under the program may be used in other than temporary or seasonal employment, or to operate power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases found necessary by the Secretary of Labor to prevent undue hardship; and (3) amending the definition of employment for which workers might be recruited to restrict it to fields in which large amounts of stoop labor are necessary.

NEED FOR A 1-YEAR EXTENSION OF THE PROGRAM

The Secretary of Labor has advised the Congress that areas of need for supplemental labor still exist, and has requested a 1-year extension of the program. His letter is attached hereto under the heading "Departmental Views." The Secretary has advised in a statement accompanying his letter that the need for Mexican workers has decreased in recent years. Their peak employment reached 291,000 in 1959, but was only 114,200 in 1962. Overall contracting for them declined from a high of 445,200 in 1956 to 291,400 in 1961, and 195,000 in 1962. The mechanization of the cotton harvest and increased

availability of domestic workers under the impetus of higher wage rates are credited by the Secretary for the decrease. The Secretary concludes in that statement that in spite of this trend there will be a definite need for foreign workers in the next year.

In his testimony before the House Committee on Agriculture the Secretary stated that—

> We have a genuine concern for the needs of growers in many areas for an augmented labor force at peak periods to cultivate and harvest our crops. As long as this need continues, it must be met. A year's extension will meet this need fully and adequately.

The Secretary also proposed amendments to the program to require employers to offer domestic workers occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican workers.[1] This committee and Congress very carefully considered similar proposals in 1961 and, after thorough debate, agreed upon the additional safeguards described above. At that time this committee stated at page 5 of Senate Report 619, 87th Congress:

> Section 2 of the bill amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Substantially identical language was included at page 4 of the House statement of managers in the conference report, House Report 1198, 87th Congress. The statement just quoted would appear to have greater applicability today than it did in 1961; and the wisdom of the action taken by Congress has been proved by subsequent events. The Secretary has advised the committee that there has been an increased availability of domestic workers, and that this is one of the two main reasons for the decrease in employment of Mexican workers recruited under the program. The Secretary has asked that the program be continued for only 1 additional year. With the program terminating next year, this does not appear to be the time to provide a whole new set of rules to be accompanied by the usual controversy and mis-

[1] While the Secretary refers in his letter to "transportation expenses" the draft bill submitted by him would have required the employers to make the transportation itself available.

understandings. And by the time it could be determined what is comparable housing, insurance, and transportation for domestic workers (who may be accompanied by their families) and appropriate regulations could be issued, there would be little time left to construct the required housing, procure the insurance, and arrange for the transportation. The idea of requiring the construction of housing which may not be occupied before the program ends does not appear wise to the committee, and the committee has therefore recommended a simple 1-year extension with no change.

In his testimony at the hearings before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare on July 30, the Under Secretary of Labor indicated that the Department would oppose an extension of Public Law 78 unless the amendments proposed by the Department, which had been considered and rejected by Congress in 1961, were adopted. Thus, the Under Secretary indicated that if the Department were not given unprecedented power, powers which have been consistently and for good reason refused by Congress, it would oppose continuation of the safeguards provided by public law and favor a return to the evils which compelled enactment of Public Law 78.

The committee had great difficulty in reconciling the statement of the Under Secretary at page 4 of the Senate Labor subcommittee hearings that Public Law 78 is "a wretched law that should be buried" with the statements of the Secretary of Labor at page 3 of the House hearings setting out his responsibilities and objectives under the law and his success in carrying out those objectives. The testimony of the Secretary was as follows:

> On the one hand, responsibility is placed upon the Secretary of Labor to provide supplemental labor when it is needed to assure the production of foods and fibers required for our own consumption and for our international commitments. On the other hand, the law under which the program operates, Public Law 78, provides that the Secretary of Labor when supplying such needs shall not make Mexican workers available unless he determines that their employment in the United States will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed. * * *
>
> The administration of the new amendments and new policies instituted since 1961 has, in my judgment, been reasonably successful in carrying out the purposes of Public Law 78 and meeting our responsibilities under it.

Nothing in the Under Secretary's testimony refutes the Secretary's testimony that the needs of growers for an augmented labor force at peak periods must be met and that extension of Public Law 78 is therefore needed. Nor does anything in the Under Secretary's testimony support the position that a 1-year extension without change should be rejected. In fact the Under Secretary makes a very convincing argument for such extension at page 19 of the hearings before the Senate Labor Subcommittee. If Public Law 78 is

not extended, Mexicans would come in under Public Law 414. The Under Secretary at page 19 says of Public Law 414:

> This is another system of importation of foreign workers lacking, in general, the safeguards that are in Public Law 78, although there is a test feature involved here where domestic labor is not supposed to be available before West Indians or Canadians or other foreigners can enter.
>
> For example, they can be used to break strikes, whereas those coming in under 78 cannot. There are sharp differences in the conditions and I would say 78 is a better law than 414.

The facts presented by the Department of Labor may be summarized as follows:

1. There is a need for supplemental Mexican labor for an additional year.
2. Public Law 78 was enacted to, and does, provide safeguards not contained in Public Law 414, and provides more protection for domestic workers.
3. The administration of Public Law 78, with the 1961 amendments, is reasonably successful in achieving the objectives of supplying labor needs which must be met and protecting domestic workers from adverse effects.

On the basis of these facts Public Law 78 should be extended for 1 year. This view is confirmed by the experience between the expiration on December 31, 1947, of the wartime laws providing for Government recruitment and the enactment of Public Law 78 reinstituting Government recruitment.

DEPARTMENTAL VIEWS

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, March 26, 1963.

Hon. LYNDON B. JOHNSON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am enclosing copies of a draft bill to amend title V of the Agricultural Act of 1949, as amended, to provide protection for the employment opportunities of domestic agricultural workers in the United States, and for other purposes, and copies of an explanatory statement describing the proposed legislation.

The draft bill would extend the program under which the Secretary of Labor is authorized to recruit workers from Mexico for agricultural employment in the United States for 1 year—until December 31, 1964. While areas of need for supplemental farm labor still exist, the overall uncertainty of the employment situation and developments in the program itself make it desirable for the administration and Congress to have the early opportunity to make a further review of the program.

The draft bill would also amend the program by requiring employers who seek to obtain Mexican workers to offer domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican workers. Employers are required to provide

these benefits as well as others to the Mexicans under the international agreement with the Republic of Mexico. The amendment would not require employers to undergo as much expense to obtain domestic workers as they do in obtaining Mexican workers. Its purpose is to extend available job opportunities to domestic workers without imposing any onerous burden upon agricultural employers.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Yours sincerely,

W. Willard Wirtz,
Secretary of Labor.

Department of Agriculture,
Washington, D.C., August 1, 1963.

Hon. Allen J. Ellender,
Chairman, Committee on Agriculture and Forestry,
U.S. Senate.

Dear Mr. Chairman: This is in reply to your request of June 13, 1963, for a report on S. 1703, a bill to amend title V of the Agricultural Act of 1949 as amended. This bill would extend for 1 year the authority of the Secretary of Labor under Public Law 78, 82d Congress, to operate a program of recruitment of workers from Mexico for agricultural employment in the United States. The present recruitment authority expires December 31, 1963, and under this bill it would be extended to December 31, 1964.

The Department of Agriculture supports a 1-year extension of Public Law 78 as proposed by the administration in the statement presented by the Secretary of Labor in the hearings before the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture on March 27, 1963. In this statement the Secretary of Labor recommended a 1-year extension and an amendment to section 503(3) which the administration considers as necessary to provide protection for the employment opportunities of domestic agricultural workers.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

James L. Sundquist,
Deputy Under Secretary.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

AGRICULTURAL ACT OF 1949

* * * * * * *

TITLE V.—AGRICULTURAL WORKERS

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements), the Secretary of Labor is authorized—

(1) to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

(2) to establish and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;

(3) to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;

(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding $150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

(1) to indemnify the United States against loss by reason of its guaranty of such employer's contracts;

(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker; and

(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501(5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of employment to such reception center, less any portion thereof re-

quired to be paid by other employers: *Provided, however,* That if the employer can establish to the satisfaction of the Secretary of Labor that the employer has provided or paid to the worker the cost of return transportation and subsistence from the place of employment to the appropriate reception center. the Secretary under such regulations as he may prescribe may relieve the employer of his obligation to the United States under this subsection.

SEC. 503. No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers. In carrying out the provisions of (1) and (2) of this section, provision shall be made for consultation with agricultural employers and workers for the purpose of obtaining facts relevant to the supply of domestic farmworkers and the wages paid such workers engaged in similar employment. Information with respect to certifications under (1) and (2) shall be posted in the appropriate local public employment offices and such other public places as the Secretary may require.

SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

(2) for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

SEC. 505. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: *Provided,* That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

SEC. 506. (a) Section 210(a)(1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(b) Section 1426(b)(1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U.S.C., sec. 132).

(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them.

SEC. 507. For the purposes of this title, the Secretary of Labor is authorized—

(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

SEC. 508. For the purposes of this title—

(1) The term "agricultural employment" includes services or activities included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 1426(h) of the Internal Revenue Code, as amended.

(2) The term "employer" shall include an association, or other group, of employees, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

SEC. 509. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section 508, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

SEC. 510. No worker will be made available under this title for employment after [December 31, 1963] *December 31, 1964.*

MINORITY VIEWS

Public Law 78, the Mexican farm labor bill, was enacted in 1951 as a temporary program to meet a special need for agricultural laborers at the time of the Korean conflict. It was scheduled to end on December 31, 1953.

This temporary program has been extended five times: to December 21, 1955, to June 30, 1959, to June 30, 1961, to December 31, 1961, and to December 31, 1963.

S. 1703 would extend the Mexican farm labor program for 1 more year, to December 31, 1964, without any change in the existing law.

For several years Public Law 78 has been strongly opposed by many civic, religious, and labor groups because of its adverse economic and social effects on domestic migratory workers.

The Department of Labor under both the Eisenhower and Kennedy administrations has opposed extension of the program unless substantial changes were made to safeguard the rights of domestic workers, but major recommendations of the Department were not adopted by the Congress.

In 1959, Secretary of Labor James Mitchell appointed a special group of consultants to make a report on Public Law 78. The members were the former U.S. Senator from Minnesota, Edward Thye; Dr. Rufus von Kleinsmid, chancellor of the University of Southern California; Glenn E. Garrett, chairman of the Texas Council of Migrant Labor; and Msgr. George Higgins, director of the Social Action Department of the National Catholic Welfare Conference. In their report, the consultants stated that Public Law 78 has had an adverse effect on domestic workers and that their support for temporary renewal of Public Law 78—

> is conditioned on its being substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs.

The recommendation of the consultants regarding recruitment and availability of domestic labor continues to be of significance today. They recommended:

> The law should direct the Secretary of Labor not to certify as to the unavailability of domestic labor unless (*a*) employers have undertaken positive and direct recruitment efforts in addition to the efforts of the public employment offices. Such efforts should be made sufficiently in advance of the need. They might include, but not be restricted to, publicizing needs, participation in day hauls, providing adequate housing and transportation; (*b*) employment conditions offered are equivalent to those provided by other employers in the area who successfully recruit and retain domestic workers; (*c*) domestic workers are provided benefits which are equivalent to those given Mexican nationals, i.e., transportation, housing, insurance, subsistence, employ-

ment guarantees, etc.; (*d*) employers of Mexican nationals offer and pay domestic workers in their employment, no less than the wage rate paid to Mexican labor.

In 1961, the Senate adopted an amendment to provide a practical test to assure that the program would not be used to depress the wages of domestic workers. This provision was eliminated by the conference committee and only minor reforms were achieved.

In his message of October 3, 1961, accompanying the signing of the last bill to extend Public Law 78, President Kennedy stated:

> The adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact. We cannot afford to disregard it. We do not condone it. Therefore, I sign this bill with the assurance that the Secretary of Labor will, by every means at his disposal, use the authority vested in him under the law to prescribe the standards and to make the determinations essential for the protection of the wages and working conditions of domestic agricultural workers.

No hearings have been held by the Senate Committee on Agriculture on S. 1703, and at the time the committee voted to report the bill no departmental reports on S. 1703 had been received.

We believe that the Secretary of Labor should have been requested to appear before the committee to outline the manner in which he has fulfilled the President's request and to inform the committee on whether changes were needed.

We believe that the Secretary of Agriculture should have been requested to appear before the committee to explain the full consequences of amending the program as recommended by the Secretary of Labor or of ending the program forthwith this year in accordance with the actions of the House of Representatives.

The Secretary of Agriculture is the Nation's expert on our farm economy. He should, therefore, report to the Senate through the Agriculture Committee on the consequences of these alternatives in terms of farm proprietor income, domestic farmworker income, the effect on harvesting activities of the absence of braceros, and the availability of domestic farmworkers in the event of higher wages.

We believe that representatives of the many civic, religious, and other groups which have long had a deep concern about the welfare of migratory workers should have had a chance to present their views and recommendations.

We believe that the many serious questions raised by this program in the past require review and that definite answers to them in the light of the experience of the past 2 years ought to be given before any extension is approved.

Among the many factors which require careful consideration are the following:

(1) Persistent and high rates of unemployment and underemployment: The national rate of unemployment has averaged more than 5.5 percent for the past 5 years. The rate for hired farmworkers, who are particularly vulnerable to seasonable unemployment, is even higher. The Department of Agriculture has estimated unemployment and underemployment among our rural population at the equiva-

lent of 4 million workers. In California in 1962, 127,000 Mexican nationals were contracted or recontracted under Public Law 78, but during this same time the estimated annual average of domestic workers unemployed was 395,000. In Arkansas, over 12,000 Mexican nationals were contracted while 42,000 domestic workers were unemployed. Texas used over 36,000 Mexican nationals and 174,000 domestic workers were unemployed.

Moreover, mechanization in agriculture continues to reduce employment opportunities for farmworkers. The number of hired farmworkers in 1962 averaged 4 percent less than in 1961 and the number of family farmworkers was down 3 percent in 1962. These and other figures indicate that the need in farm and rural communities is for more employment opportunities, not for importing workers from other nations. Undoubtedly there is need for a better system of recruitment of domestic migratory workers to provide the needed labor for seasonal crops; a bill to provide a voluntary recruitment program for agricultural workers (S. 527) is now being considered by a subcommittee of the Senate Committee on Labor.

(2) Low income of migratory farmworkers: Farmworkers generally are not covered by provisions of the Fair Labor Standards Act nor by the minimum wage or other protective legislation of most of the States. Secretary of Labor Willard Wirtz recently stated that in 1961 migratory farmworkers "earned on an average less than $900 from all employment." The number of hired farmworkers averaged 1,817,000 persons in 1962. It is not possible to contract or recontract some 225,000 Mexican nationals without having a significant effect on the wages of these domestic farmworkers.

(3) Will American citizens do stoop labor? One of the principal arguments for the Mexican farm labor program over the years has been that U.S. citizens will not perform stoop labor. American citizens have a record of performing all types of work when the compensation is adequate for the skills and risks involved. The type of work done by braceros in limited areas is performed by American citizens in other sections of the Nation. Most of the stoop labor in cotton is done by domestic rather than foreign workers. Mexican nationals are used extensively to pick tomatoes in California; but tomatoes are grown in many other States and it is estimated that 64 percent of the tomato harvest is picked by domestic workers. American workers are willing to and do perform stoop labor. In fact, more than 99 percent of the farmers of the Nation operate their farms without contracting for workers under Public Law 78. In 1962, only 33,214 farms in the Nation used braceros. California alone accounted for 53 percent of the total man-months of Mexican labor in 1962 and Texas for another 26 percent; most of the remaining Mexican labor was confined to farms in the four additional States of Arizona, Arkansas, Michigan, and Colorado. The majority of family-farm operators in the United States use no hired farm labor at all. The number of Mexican nationals contracted and recontracted in each State, 1959–62, is contained in table I.

Number of Mexican workers contracted and rccontracted, by State, 1959–62

State	1959	1960	1961	1962
U.S. total	506,003	380,381	349,055	226,948
Arizona	29,779	24,557	21,352	16,906
Arkansas	44,780	42,443	34,073	12,410
California	152,746	127,658	113,169	127,002
Colorado	9,281	9,517	10,549	10,372
Georgia	1,094	1,264	777	0
Illinois	219	375	95	113
Indiana	558	710	780	587
Iowa	75	134	212	174
Kansas	42	17	145	142
Kentucky	436	269	57	0
Michigan	11,693	11,301	14,880	13,327
Minnesota	144	139	55	39
Missouri	1,203	594	0	0
Montana	2,210	2,438	2,640	1,814
Nebraska	2,144	2,289	2,162	2,119
Nevada	153	222	83	66
New Mexico	19,253	11,336	8,311	2,144
North Dakota	0	45	0	0
Oregon	418	350	327	365
South Dakota	217	214	252	98
Tennessee	1,228	1,139	703	165
Texas	225,498	140,308	135,515	36,289
Utah	582	523	415	640
Washington	0	60	0	0
Wisconsin	1,090	1,238	954	778
Wyoming	1,160	1,215	1,549	1,398

Source: Administrative reports, Bureau of Employment Security.

The amendments adopted in 1961, together with the process of mechanization, have resulted in a decrease in the use of Mexican nationals. In 1962 the total man-months of work by Mexican nationals in Texas were 188,409 as compared to 496,702 in 1961. In Arkansas the man-months of Mexican labor were 52,988 in 1961 and 18,664 in 1962. Use of Mexican nationals declined in other States as well, as shown in table II. This extensive adjustment appears to have been made without disastrous economic consequences on growers. It involved, at least in part, employment of domestic workers who were able to work and willing to work because of the somewhat better terms resulting from congressional action in 1961.

TABLE II.—*Man-months of Mexican labor, by State, 1959–62*

State	Man-months				Percent change, 1959–62
	1959	1960	1961	1962	
U.S. total	1,630,950	1,358,058	1,148,800	716,426	−56
Texas	733,724	569,177	496,702	188,409	−74
California	560,690	487,680	406,255	378,570	−32
Arizona	110,608	104,078	86,810	61,666	−44
Arkansas	84,689	78,436	52,988	18,664	−78
New Mexico	81,368	60,362	46,783	17,888	−78
Michigan	22,776	21,381	23,788	18,361	−19
Colorado	15,747	16,112	19,192	19,690	+25
Montana	3,257	3,376	3,122	2,644	−19
Nebraska	2,733	2,712	2,474	2,715	−1
Wyoming	1,816	1,852	2,423	2,010	+11
Georgia	1,812	1,806	1,454	0	−100
Wisconsin	1,496	1,531	1,340	1,327	−11
Utah	1,837	1,804	1,276	1,850	+1
Tennessee	2,474	2,283	1,060	330	−87
All others	4,945	4,013	1,835	2,302	−53

Source: Inseason farm labor reports, Bureau of Employment Security.

Earlier this year, the House of Representatives by a vote of 174 to 158 rejected a bill to extend Public Law 78 for 2 more years, and unless further action is taken, the program will end on December 31. In March, while the House committee was considering a bill to provide a 2-year extension, the Department of Labor did submit a draft bill to extend the program for 1 year, but the draft bill also included a major amendment to protect the rights of domestic workers. The Department amendment would require employers who seek Mexican nationals to offer domestic workers housing, transportation expenses, and occupational insurance comparable to that which such employers must furnish Mexican workers under the international agreement between the Republic of Mexico and the United States.

S. 1703 does not contain the amendment recommended by the administration. We believe it is important to know the view of the Department of Labor on a straight 1-year extension without amendment. The position of the Department has been stated since the committee reported S. 1703 on July 22. The Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare is conducting hearings on S. 527, a bill to provide a recruitment program for domestic agricultural workers, and on July 30, Mr. John F. Henning, Under Secretary of Labor, testified about the administration's position on Public Law 78. Under Secretary Henning stated:

> Essentially, Senator, it is because of this that we submit Public Law 78 is a broad law; it is a wretched law that should be buried. Being an American citizen places one at a serious disadvantage under the option of this law, because the simple fact is that under the present system an employer can refuse to offer domestic workers the same terms and conditions that he is required to offer alien workers. If the domestic worker refuses to accept the job at less favorable terms, the employer is permitted to bring in Mexican workers who are then afforded the very terms and conditions which were denied to our own workers.
>
> This situation exists basically because of the limited authority vested in the Department of Labor under Public Law 78. The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to require, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers. It is for this reason that we would oppose any further extension of Public Law 78 without amendments which would bring the required job offers made to Mexicans and to domestic workers to an approximate level.

Under Secretary Henning further stated:

> In a very real sense, the availability of domestic workers depends largely upon the terms and conditions of employment offered. The exemption of agricultural employment from most social legislation such as minimum wage, unemployment insurance, and to a significant extent old-age and survivors' insurance, makes such employment unattractive to our own unemployed domestic workers. Low wages,

poor working conditions, inadequate housing facilities in the area of employment, complicate the recruitment picture. With a large reservoir of foreign workers available there is a propensity to depend upon this source of labor supply rather than to extend more attractive offers to domestic unemployed workers. The result—employment of Mexican workers in this country at the expense of unemployment of domestic workers.

We are thus confronted at this time with the simple question of whether we should continue to any extent subsidizing, at the expense of the taxpayers of this Nation, a farmworker program which prolongs and aggravates this unfortunate situation. The resultant unemployment not only saddles the local communities with all the costs attendant upon giving public assistance and other forms of aid to unemployed workers, but it exacts a terrible price in loss of human dignity and human resources—a price that dictates the need for everyone to extend every effort to avoid these consequences.

During questioning by Senators at the hearing of the Subcommittee on Migratory Labor, Under Secretary Henning on several occasions restated the opposition of the Department to the present law and the necessity for substantial amendment as a condition for even a 1-year extension.

In the light of the testimony presented by Under Secretary Henning it is clear that—

(1) The Department is opposed to continuation of the present law;

(2) It is opposed to S. 1703, as reported;

(3) It would support a 1-year extension to phase out the program only on condition that Public Law 78 be amended to provide our own citizens with occupational insurance, housing, and transportation benefits comparable to those now guaranteed to Mexican nationals by the growers.

Our migratory farmworkers are among the most neglected and underprivileged groups in the Nation. The Senate has recently passed several bills aimed at improving the conditions of these migratory workers. These are useful steps in meeting their serious problems. But the basic difficulties of our domestic migratory workers have been extended and intensified by the annual importation of tens of thousands of Mexican nationals. S. 1703 does not contain the reasonable safeguards to prevent further adverse effects on the economic and social conditions of these citizens, and we oppose its adoption.

WILLIAM PROXMIRE.
MAURINE NEUBERGER.
GEORGE MCGOVERN.
EUGENE MCCARTHY.

○

Calendar No. 367

88TH CONGRESS
1ST SESSION

S. 1703

[Report No. 372]

[Report No. 391]

IN THE SENATE OF THE UNITED STATES

JUNE 11, 1963

Mr. ALLOTT (for himself and Mr. DOMINICK) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

JULY 22, 1963

Reported by Mr. MANSFIELD (for Mr. HOLLAND), with an amendment

JULY 31, 1963

Recommitted to the Committee on Agriculture and Forestry

AUGUST 6, 1963

Reported by Mr. HOLLAND with an amendment

[Omit the part struck through and insert the part printed in italic]

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section ~~509~~ *510* of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

Calendar No. 367

88TH CONGRESS
1ST SESSION

S. 1703

[Report No. 372]

[Report No. 391]

A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. ALLOTT and Mr. DOMINICK

JUNE 11, 1963

Read twice and referred to the Committee on Agriculture and Forestry

JULY 22, 1963

Reported with an amendment

JULY 31, 1963

Recommitted to the Committee on Agriculture and Forestry

AUGUST 6, 1963

Reported with an amendment

S. 1703

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 15, 1963
For actions of August 14, 1963
88th-1st; No. 126

CONTENTS

Area redevelopment....5,19
Budget.....9
Civil defense.....35
Civil rights.....18
Conservation fund.....41
Education.....15
Electrification...10,23,30
Employment.....18
Export-Import Bank.....17
Farm labor.....4,11,21
Farm program.....6
Federal aid.....15
Feed grain.....16
Food stamp.....12
Foreign aid.....14,22
Foreign trade.....26
Freight forwarders.....7
Future farmers.....20
Grains.....3
Health benefits.....40
Holiday.....31
Humane treatment.....27
Information.....29
Irrigation.....24
Labor standards.....38
Land and water.....41
Lands.....33
Legislative program.....11
Manpower.....2
Minerals.....34
National Service Corps.. 1,36
Organization.....25,32,36
Patents.....28
Pay.....8
Personnel.....8,40,43
Pesticides.....39
Public works.....5
Reclamation.....16
Research.....27,32,39,42
Sugar.....13
Time standards.....7
Transportation.....7
Travel costs.....37
Wheat.....16
Workweek.....38

HIGHLIGHTS: House subcommittee voted to report food stamp bill. House Rules Committee cleared foreign aid authorization bill. Senate passed National Service Corps bill. Sens. illiams (Del.) and Humphrey debated charges of USDA manipulation of grain markets. Sen. Bartlett defended area redevelopment and accelerated public works programs.

SENATE

1. NATIONAL SERVICE CORPS. By a vote of 47 to 44, passed with amendments S. 1321, to provide for the establishment of a domestic National Service Corps to aid in community service programs (pp. 14079-81, 14085-7, 14089-113). By a vote of 49 to 39, tabled a motion to reconsider the vote by which the bill was passed (p. 14113). By a vote of 44 to 48, rejected a motion by Sen. Dirksen to recommit the bill to the Labor and Public Welfare Committee (pp. 14106-9).

Agreed to the following amendments:

By Sen. Proxmire, 51 to 34, to limit the program to two years. pp. 14089-95.

By Sen. Thurmond, to provide that the program shall not be implemented in any State until the Governor of the State so requests in writing to the President. pp. 14095-6

By Sen. Allott, to provide that not more than two percent of the funds authorized to be appropriated shall be used for compensation and expenses of

consultants for the program. p. 14105

Rejected, by a vote of 30 to 60, an amendment by Sen. Javits to provide that up to one-half of the funds authorized to be appropriated could be used by States to establish similar programs within the States. pp. 14097-100

By a vote of 49 to 41, tabled an amendment by Sen. Tower to provide that no corpsman shall be assigned to any project in which there is followed a policy of segregation. pp. 14100-103

2. MANPOWER DEVELOPMENT. The "Daily Digest" states the Labor and Public Welfare Committee approved S. 1716 and S. 1831, to amend the Manpower Development and Training Act of 1962. p. D633

3. GRAINS. Sen. Williams (Del.) renewed his charges that the July and August rise in the price of corn and certain other feed grains resulted in reduced sales of CCC stocks by this Department, criticized a reported statement from the Department taking exception to the figures he used in supporting his charge, and stated that he obtained his figures from the Department. Sen. Humphrey stated that he has requested a report from the Department on the matter and would submit the report to the Senate today, Aug. 15. pp. 14114-6

4. FARM LABOR. S. 1703, to extend the Mexican farm labor program for one year, was made the unfinished business of the Senate. p. 14113

5. AREA REDEVELOPMENT; PUBLIC WORKS. Sen. Bartlett defended the area redevelopment and accelerated public works programs against recent criticism by the president of the U. S. Chamber of Commerce, and reviewed activities of these programs in Alaska. pp. 14082-3

6. FARM PROGRAM. Sen. Proxmire inserted and commended a resolution of the Wisc. Legislature urging the Administration and the Congress "to cooperate in developing a realistic Federal farm program." p. 14074

7. TRANSPORTATION; TIME STANDARDS. At the request of Sen. Mansfield, unanimous consent was granted to return to the Commerce Committee S. 684, to place transactions involving unification on acquisitions of control of freight forwarders under the Interstate Commerce Act, and S. 1033, to establish a uniform system of time standards and measurements for the U. S. pp. 14057-8

8. PERSONNEL; PAY. Sen. Robertson expressed opposition to the reported recommendation of the Randall Committee to increase the salaries of Members of Congress. p. 14082

9. BUDGET. Sen. Douglas submitted for printing the report of the Joint Economic Committee, "The Federal Budget as an Economic Document" (S. Rept. 396). p. 14052

10. ELECTRIFICATION. Sen. Burdick was added as a cosponsor of S. 2028, to amend the Federal Power Act so as to expressly prohibit the jurisdiction of the Federal Power Commission over nonprofit cooperatives. p. 14058

11. LEGISLATIVE PROGRAM. Sen. Mansfield stated the Mexican farm labor extension bill will be considered Thurs., and if action is concluded on the bill, the Senate will adjourn over until Mon. p. 14109

That this clause shall apply to any loan outstanding on the effective date of the National Service Corps Act only with the consent of the then obligee institution."

(b) Subsection (j) of section 3 of the Civil Service Retirement Act, as amended (5 U.S.C. 2253), is amended to read as follows:

"(j) Notwithstanding any other provisions of this section or section 5(f) of the Peace Corps Act or the National Service Corps Act, any military service (other than military service covered by military leave with pay from a civilian position) performed by an individual after December 1956 and any period of service by an individual as a volunteer under the Peace Corps Act, or as a corpsman under the National Service Corps Act, shall be excluded in determining the aggregate period of service upon which an annuity payable under this chapter to such individual or to his widow or child is to be based, if such individual or widow or child is entitled (or would upon proper application be entitled) at the time of such determination, to monthly old-age or survivors benefits under section 202 of the Social Security Act, as amended (42 U.S.C. 402) based on such individual's wages and self-employment income. If in the case of the individual or widow such military service or service under the Peace Corps Act or the National Service Corps Act is not excluded under the preceding sentence, but upon attaining age sixty-two, he or she becomes entitled (or would upon proper application be entitled) to such benefits, the Commission shall redetermine the aggregate period of service upon which such annuity is based, effective as of the first day of the month in which he or she attains such age, so as to exclude such service. The Secretary of Health, Education, and Welfare shall, upon the request of the Commission, inform the Commission whether or not any such individual or widow or child is entitled at any specified time to such benefits.

DEFINITIONS

SEC. 11. (a) The term "United States" as used in this Act includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and all other places, continental or insular, including the Trust Territory of the Pacific Islands, subject to the jurisdiction of the United States.

(b) The term "corpsman" includes, except for the purposes of section 4(f)(3), applicants for enrollment during any training period.

CONSTRUCTION

SEC. 12. If any provision of this Act or the application of any provision to any circumstances or persons shall be held invalid, the validity of the remainder of this Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

Passed the Senate August 14, 1963.

Attest:

_____,

Secretary.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move that the motion to reconsider be laid on the table.

Mr. ERVIN. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. HUMPHREY. Do I correctly understand that on this question, if a majority of Senators vote "yea," that will conclude all action by the Senate on the bill?

The PRESIDING OFFICER. If a majority vote in favor of agreeing to the motion to lay on the table the motion to reconsider, all action by the Senate on the bill will be concluded.

Mr. HUMPHREY. A very good idea, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the bill was passed.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ENGLE (when his name was called). On this vote I have a pair with the junior Senator from Indiana [Mr. BAYH]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have voted "yea." I have a pair with the senior Senator from North Dakota [Mr. YOUNG]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Louisiana [Mr. ELLENDER], the Senator from Missouri [Mr. LONG], the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS,] and the Senator from Georgia [Mr. TALMADGE], are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

On this vote, the Senator from Louisiana [Mr. ELLENDER] is paired with the Senator from Missouri [Mr. LONG].

If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Missouri would vote "yea."

I further announce that, if present and voting, the Senator from Virginia [Mr. ROBERTSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Georgia [Mr. TALMADGE], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from New Mexico [Mr. MECHEM] is necessarily absent.

The Senator from Kentucky [Mr. COOPER], and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

The pair of the Senator from North Dakota [Mr. YOUNG] has been previously announced by the Senator from Montana [Mr. MANSFIELD].

On this vote, the Senator from Kentucky [Mr. COOPER] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Kentucky would vote "yea" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 49, nays 39, as follows:

[No. 137 Leg.]

YEAS—49

Anderson	Hartke	Monroney
Bartlett	Hayden	Morse
Bible	Hill	Moss
Brewster	Humphrey	Muskie
Burdick	Inouye	Nelson
Byrd, W. Va.	Jackson	Neuberger
Cannon	Javits	Pastore
Church	Keating	Pell
Clark	Kennedy	Proxmire
Dodd	Long, La.	Randolph
Douglas	Magnuson	Ribicoff
Edmondson	McCarthy	Sparkman
Fong	McGee	Symington
Fulbright	McGovern	Williams, N.J.
Gore	McIntyre	Yarborough
Gruening	McNamara	
Hart	Metcalf	

NAYS—39

Aiken	Ervin	Mundt
Allott	Goldwater	Pearson
Beall	Hickenlooper	Prouty
Bennett	Holland	Russell
Boggs	Hruska	Saltonstall
Byrd, Va.	Johnston	Scott
Carlson	Jordan, N.C.	Simpson
Case	Jordan, Idaho	Smith
Cotton	Kuchel	Stennis
Curtis	Lausche	Thurmond
Dirksen	McClellan	Tower
Dominick	Miller	Williams, Del.
Eastland	Morton	Young, Ohio

NOT VOTING—11

Bayh	Long, Mo.	Smathers
Cooper	Mansfield	Talmadge
Ellender	Mechem	Young, N. Dak.
Engle	Robertson	

So the motion to table the motion to reconsider was agreed to.

AMENDMENT OF TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 367, S. 1703, which is to be made the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion by the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Agriculture and Forestry with an amendment in line 3, after the word "section", to strike out "509" and insert "510"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further business tonight. On the basis of the agreement made, I hope that the Presiding Officer will recognize the Senator from New York [Mr. JAVITS]; I hope also that at the conclusion of the remarks of the Senator from New York consideration will be given to recognizing the Senator from Michigan [Mr. MCNAMARA] who has waited

patiently all day to make some very pertinent remarks about the 40th anniversary of the distinguished chairman of the Committee on Labor and Public Welfare [Mr. HILL], and the Senator from Oregon [Mr. MORSE], who likewise has been waiting patiently all day.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I ask unanimous consent to yield to the Senator from Delaware [Mr. WILLIAMS] without losing my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

The Senator from Delaware is recognized.

MANIPULATION OF THE GRAIN MARKETS

Mr. WILLIAMS of Delaware. Mr. President, yesterday I called the attention of the Senate to the fact that the Government, in its sales of corn, was either intentionally or unintentionally manipulating the grain markets. To support this conclusion I called attention to the fact that during the month of June the Government sold approximately 67 million bushels of corn, whereas in July the Government reduced its sales to 532,000 bushels.

Later an aid to Secretary Freeman was quoted in the Washington Post as taking exception to these figures. I quote from the Washington Post:

> An aid to Secretary of Agriculture Orville L. Freeman said that the Government sold 16 million bushels of corn in July compared with 28 million bushels in June.

He went on to say that he could not explain the discrepancy between his figures and those used in my statement. Neither can I, because I got my figures from the Department of Agriculture also.

Mr. President, I do not know whether the Secretary of Agriculture has two sets of books or not. I do know that a couple of weeks ago we discovered that the Department had lost 24 million bushels of corn which was to have gone to Austria, but they do not know where it went.

The figures I used yesterday came from the Department of Agriculture. At this point I ask unanimous consent to have printed in the RECORD my letter of August 5 requesting a report of Government sales of corn along with their reply dated August 6, 1963, signed by E. A. Jaenke, Associate Administrator, and its enclosures. In his reply of August 6 Mr. Jaenke stated that he was including all figures except those for June and July 1963, which figures would be forwarded in a few days. Two days later, on August 8, I received the report which appears as chart No. 2 giving the sales of corn, barley, and grain sorghums for those 2 months.

There being no objection, the letter and enclosures were ordered to be printed in the RECORD, as follows:

AUGUST 5, 1963.

Hon. ORVILLE L. FREEMAN,
Secretary of Agriculture,
Washington, D.C.

MY DEAR MR. SECRETARY: Will you please furnish me with a monthly total of the Department's domestic sales of feed grains (corn, barley, oats, and grain sorghums) during each month beginning with May 1961 and including July 1963.

I am not asking that this report be broken down as to individual transactions but merely show the monthly totals of each commodity disposed of domestically (either by sales or grants) along with the approximate average price received by the Government for such sales during each monthly period.

Yours sincerely,

JOHN J. WILLIAMS.

U.S. DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE,
Washington, D.C., August 6, 1963.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: Enclosed is a tabulation showing the information you requested in your letter to the Secretary of August 5 for corn, barley, and grain sorghums through May 31, 1963.

Similar information for oats and data for June and July 1963 will be sent to you in a few days.

Sincerely,

E. A. JAENKE,
Associate Administrator.

U.S. DEPARTMENT OF AGRICULTURE, COMMODITY CREDIT CORPORATION

Domestic dispositions of selected grain commodities, by month, from May 1961 through May 1963

Period	Corn			Barley			Grain sorghum		
	Sales	Average proceeds received per bushel	Donations [1]	Sales	Average proceeds received per bushel	Donations	Sales	Average proceeds received per bushel	Donations
	Thousand bushels		*Thousand bushels*	*Thousand bushels*		*Thousand bushels*	*Thousand bushels*		*Thousand bushels*
1961									
May	33,506	$0.91	545	950	$0.96	----------	1,584	$0.95	2
June	81,014	.96	674	652	.87	----------	6,370	.99	----------
July	4,486	.85	234	336	.90	----------	4,141	1.05	----------
August	11,368	1.01	491	621	.91	----------	8,307	1.05	----------
September	21,506	.95	476	991	.91	----------	8,604	1.01	----------
October	30,897	.96	721	1,330	.91	----------	24,195	.95	147
November	38,091	.97	511	1,404	.71	----------	18,876	1.00	96
December	66,946	1.00	489	3,306	.85	----------	14,484	1.01	----------
1962									
January	104,157	1.02	885	2,588	.68	----------	19,425	1.01	96
February	103,030	.99	476	1,870	.70	----------	11,634	1.04	59
March	208,085	.97	524	3,605	.66	----------	12,603	1.02	9
April	149,644	.99	674	5,309	.81	----------	14,762	1.06	16
May	76,377	.98	387	3,415	.80	----------	14,178	1.03	----------
June	59,593	.93	685	3,335	.78	----------	19,062	1.04	----------
July	2,680	.94	192	294	.88	----------	9,306	1.03	----------
August	11,715	.98	425	676	.72	----------	11,473	1.03	----------
September	16,915	.95	349	245	.80	----------	15,888	.99	----------
October	42,488	.99	559	132	.80	----------	26,524	.99	----------
November	33,409	1.02	471	73	.85	----------	17,594	.99	----------
December	37,234	1.03	469	174	.88	----------	17,529	.96	----------
1963									
January	54,178	1.08	490	20	1.10	----------	33,200	.98	----------
February	84,843	1.10	705	66	.86	----------	23,012	1.02	----------
March	145,977	1.10	670	113	.76	----------	6,656	1.04	----------
April	90,201	1.08	328	60	.73	----------	9,005	1.03	----------
May	74,481	1.01	327	136	.71	----------	13,511	1.01	----------
Total	1,587,821	1.01	12,757	31,701	.79	----------	362,223	1.01	425

[1] Includes cornmeal.

NOTE.—All dispositions shown on this table are on a delivered basis.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 16, 1963
For actions of August 15, 1963
88th-1st; No. 127

CONTENTS

Adjournment.....8,25
Area redevelopment...13,31
Budgeting.....6
Buildings.....38
Cotton.....7
Credit unions.....35
Electrification.4,21,28,33
Expenditures.....14
Export-Import Bank.....10
Farm labor.....9
Farm program.....12,30
Flood control.....3
Food assistance.....36
Foreign aid.....1,7,20,29
Foreign trade.....27
Forestry.....15
Legislative program...7,24
Marketing.....16
National Service Corps..22
Natural resources.....15
Patents.....5
Personnel.....37
Property.....40
Public debt.....11,24
Reclamation.....3,34
Recreation.....32
Roads.....23
Small business.....18
Tariff.....19
Tobacco.....17
Water resources.....26
Wool imports.....2

HIGHLIGHTS: Senate passed Mexican farm labor bill. Senate committee voted to report public debt bill. Sen. Williams (Del.) criticized USDA purchase of soybean oil. Rep. Cleveland urged protection of wool industry from increasing imports. Several Reps. debated merits of foreign aid authorization bill.

HOUSE

1. FOREIGN AID. Several Representatives debated the merits of the foreign aid authorization bill. pp. 14254-63, 14285

   Rep. Matsunaga called attention to a report that the Agency for International Development gave 25 States procurement orders under the U. S. foreign aid program and covering a variety of industrial and agricultural products. pp. 14253-4

2. WOOL IMPORTS. Rep. Cleveland urged protection for the wool industry from imports. p. 14280

3. RECLAMATION; FLOOD CONTROL. Rep. Chenoweth voiced opposition to the idea that irrigation, reclamation, and flood control programs are "pork barrel" projects as stated in a Life magazine article. pp. 14251-2

4. ELECTRIFICATION. Rep. Saylor inserted an article claiming that the tying together of the Penn-N.J.-Md. electrical interconnection with the Canadian-U.S. -Eastern interconnection "will gradually bring the whole Nation into one vast power pool." pp. 14286-8

5. PATENTS. The Subcommittee No. 3 of the Judiciary Committee voted to report to the full committee with amendment H R. 7370, to fix the fees payable to the Patent Office. p. D639

6. BUDGETING. Rep. Halpern urged establishment of a Congressional Joint Committee on the Budget. p. 14276

7. LEGISLATIVE PROGRAM. Rep. Albert announced that the House will consider the foreign aid authorization bill on Tues., Aug. 20, and two conference reports next week. He also stated that he was not able to advise when the cotton resolution would be programed but that the foreign aid authorization bill will "consume a major portion of the week." p. 14243

8. ADJOURNED until Mon., Aug. 19. p. 14288

SENATE

9. FARM LABOR. By a vote of 63 to 24, passed with amendment S. 1703, to extend the Mexican farm labor program for one year, until December 31, 1964 (pp. 14358, 14365, 14368-404, 14415-7). By a vote of 44 to 43, agreed to an amendment by Sen. McCarthy to provide that before Mexican workers may be employed domestic workers must be offered employment, including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers (pp. 14386-7). By a vote of 45 to 45, rejected an amendment by Sen. McCarthy directing the Secretary of Labor to take such action as he deems appropriate to insure a sufficient number of domestic agricultural workers to assist farmers in the production of crops (pp. 14375-86).

10. EXPORT-IMPORT BANK. Both Houses received and the Senate agreed to the conference report on H. R. 3872, to extend the life of the Export-Import Bank to June 30, 1968, and increase its lending authority by $2 billion (H. Rept. 688)(pp. 14246-7, 14366-8).

11. PUBLIC DEBT. The "Daily Digest" states that the Finance Committee voted to report without amendment H. R. 7824, to continue through Nov. 30, 1963, the existing temporary increase in the public debt limit. p. D638

12. FARM PROGRAM. Sen. Williams (Del.) criticized the procurement by this Department of "500 million pounds of refined salad oil and shortening - primarily soybean oil - at a time when they had projected requirements for only about half that amount," charged that the "bulk of the purchases were made from disreputable companies who had already been barred from the list as being eligible to participate in any program financed by the Commodity Credit Corporation," and urged an investigation of the commodity disposal operations of this Department. pp. 14309-11

13. AREA REDEVELOPMENT. Sen. Douglas inserted an article "describing the great results of the Area Redevelopment Act in Carroll County, Ill." p. 14340

14. EXPENDITURES. Sen. Robertson expressed concern over Federal expenditures, urged that a greater effort be made to reduce expenditures, and inserted several items on the subject. pp. 14354-8

TO STUDY BLOOD GROUP GENETICS OF SOUTHAMPTON ISLAND ESKIMOS, $11,500 (PUBLIC HEALTH SERVICE)

Grant GM-6321, "Blood Group Genetics of Southampton Island Eskimos," was awarded by the National Institute of General Medical Sciences, to the University of Wisconsin with W. S. Laughlin, Ph. D., as the principal investigator. The study section records indicated that the application was primarily to study the blood groups and several other traits of these Eskimos to determine gene frequencies and rare blood types, and concluded that it should yield basic information on blood groups of interest to human geneticists.

TO STUDY DISEASES OF THE GIANT SNAIL, $20,092 (PUBLIC HEALTH SERVICE)

Grant AI-1245, "Studies of a Disease of the Giant African Snail," was awarded by the National Institute of Allergy and Infectious Diseases, Public Health Service, to the University of Arizona, with A. R. Mead, Ph. D., as the principal investigator. Institute scientists informed us that this grant is related to the Institute's programs on parasitic diseases and that a number of species of snails act as the host for a number of disease-causing parasitic micro-organisms, one of which causes schistosomaisis, a disease affecting many millions of people throughout the world. One scientist stated that although the giant African snail is not itself host to these disease-causing parasites, he believes that this grant will serve two purposes: (1) Increase the general biological knowledge of snails, a field of biology which needs more investigation; and (2) further the knowledge of a disease of the giant African snail which has acted as a natural biological control of that snail and which may present research leads on natural controls in parasite-carrier snail species. The study section records pointed out that the giant African snail was a serious pest in many parts of the tropical Pacific including Hawaii.

TO STUDY THE SOCIAL ROLE OF AGING WILD HORSES, $8,205 (PUBLIC HEALTH SERVICE)

Grant MH-2599, "The Social Role of the Aging Wild Ungulate," was awarded by the National Institute of Mental Health, to the University of Colorado with Margaret Altmann, Ph. D., as the principal investigator. The application stated that the project intended to extend previous research by the principal investigator on the social behavior of elk, moose, and bison (ungulates) herds. The study section reported that this grant appeared to be an imaginative attempt to gather unusual information which might yield a unique and significant contribution to problems of comparative social behavior in man. The Director of the Institute stated in a letter relating to this grant that an attempt was made to study these animals for the same reasons that other experimental animals are studied to better understand animal behavior as an approach to understanding the behavior of man. In 1962 further financial support of this project was not recommended by the study section because it was felt that the principal investigator's method of study would never make direct contributions to knowledge of forces underlying the behavioral interactions being studied.

TO STUDY THE INFORMATION THAT MIGHT BE CONTAINED IN ECHOES, $13,837 (PUBLIC HEALTH SERVICE)

Grant NB-2656, "Investigation of Information Contained in Echoes," was awarded by the National Institute of Neurological Diseases and Blindness to the University of Arizona with Howard A. Baldwin as the principal investigator. The application stated that one of the aims of the project concerned an investigation into information believed to be contained in sound echoes (including supersonic frequencies) relative to the distance, direction, size, shape, and surface texture of reflecting surfaces. The application also stated that much information has recently been collected on the ability of bats and sea mammals to see with sound, and the study proposed to utilize this information in an attempt to make such knowledge of use to the blind in a practical sense. Support of this project ended on November 30, 1962.

IN TAIWAN THE UNITED STATES BUILT A SAWMILL THAT COULDN'T HANDLE THE TYPE OF LUMBER PRODUCED THERE (AGENCY FOR INTERNATIONAL DEVELOPMENT)

Apparently this statement refers to the Ta Shu Shan logging and sawmill project in Taiwan. However the statemcnt is incorrect since the proposed sawmill was never built. This project was the subject of an investigation conducted by the House Committee on Foreign Affairs.

This project was approved in April 1956 and involved the procurement of logging equipment and the construction of a sawmill in the Ta Shu Shan area of Taiwan. The House Committee on Foreign Affairs began an investigation of the project in January 1958 and requested that the implementation of the project be deferred until the investigation was completed. In January 1959 the committee completed its review and reported its findings. The committee found that the long delay in implementing the project was caused by administrative mishandling by the International Cooperation Administration (ICA) and recommended that action be taken to prevent this mishandling in other projects. The committee also authorized ICA to procced with the project.

Although the construction of the sawmill had been delayed, the logging equipment was delivered to Taiwan and placed into operation in 1958. After the completion of the committee investigation in 1959, ICA contracted with an American engineering firm to prepare general engineering specifications for the proposed sawmill, and this work was completed in early 1960. However, in June 1960, ICA decided not to finance the sawmill, and terminated the project.

IN INDONESIA, MILLIONS OF U.S. AID DOLLARS WERE USED TO BUY U.S. GOLD (AGENCY FOR INTERNATIONAL DEVELOPMENT)

In this instance the newspaper apparently misquoted Reprcsentative SNYDER. He stated in the CONGRESSIONAL RECORD (p. 3239, vol. 109, No. 33 dated Mar. 4, 1963) that Indonesia had received U.S. aid and had also purchased U.S. gold in 1960; however, he did not state that the aid funds were used for this purpose.

Indonesia and other aid reoipient countries have purchased U.S. gold, and this matter was discussed extensively during the 1963 appropriation hearings before the House Subcommittee on Foreign Operations Appropriations. The Agency for International Development (AID) submitted a policy statement to the subcommittee regarding this matter. The statement, which appears on pages 455, 456, and 457 of part three of the printed hearings, points out that during the 1-year period ended March 31, 1962, foreign nations and international institutions made net purchases of $745 million of monetary gold from the United States. About $206 million of these purchases were by 18 countries that received aid from the United States.

IN GREECE U.S. AID BOUGHT SUITS FOR GREEK UNDERTAKERS (AGENCY FOR INTERNATIONAL DEVELOPMENT)

This allegation has been made previously and in March 1958 the International Cooperation Administration (ICA), predecessor agency to the Agency for International Development, submitted a statement thereon to the House Committee on Foreign Affairs (see committee print dated March 14, 1958). The statement was made by ICA in response to a request by the Acting Chairman of the Committee, for answers by ICA to a list of questions based on recurring criticisms of the foreign aid program. In his letter to ICA requesting this information, the Acting Chairman stated, in part:

"Some of these questions have been answered by the executive branch previously, but these same criticisms continue to occur in the press and elsewhere. The committee would, therefore, like to have a definitive answer from your agency with respect to each of these charges."

One of the questions asked by the committee was whether the United States had provided dress suits for Greek undertakers under the foreign aid program. ICA's response to this question was as follows:

"Procurement records in Greece show no aid-financed procurement of clothing of any kind with the exception of footwear for the Army. Civilian clothing, as a matter of United States and Greek policy, has been ineligible for United States aid financing in Greece since the inception of the aid program in Greece."

IN KENYA GOVERNMENT OFFICIALS USED U.S. AID TO PURCHASE EXTRA WIVES (AGENCY FOR INTERNATIONAL DEVELOPMENT)

We understand that such an incident did occur in connection with a Kenya Government loan program that has been supported by United States-owned foreign currency. However, Kenya Government officials have stated that the incident occured before United States funds were made available to the program, and that the individual involved was a private citizen rather than a Government official.

The loan program involved is the Traders Loan Scheme, a program administered by the Kenya Government to make loans to traders and small manuafcturers. From 1955 through 1962 the United States granted a total of 180,000 pounds sterling (about $500,000) to the Government of Kenya for this program. An official of the Kenya Government has stated that during the pilot phase of the loan program, bcfore U.S. funds were made available, a trader obtained a loan of over £200 and used the loan proceeds to purchase a wife. The official also stated that as far as he knows, it is the only case of its kind although the Government has suspected some misuse of loan funds.

IN LEBANON THE UNITED STATES BUILT A STOCK-BREEDING FARM WITH NINE STALLS FOR EACH BULL (AGENCY FOR INTERNATIONAL DEVELOPMENT)

Representative SNYDER's source for this statement apparently was a comment made by the chairman of the House Subcommittee on Foreign Operations Appropriations, during the hearings on the fiscal year 1963 foreign assistance appropriations (page 278 of part three of the printed hearings). During the hearings the chairman stated that he had visited an aid-financed breeding farm in Lebanon and noted that there were about nine stalls for each bull.

An aid-financed stock breeding farm in Lebanon was built in 1953 as part of an animal husbandry project, and it appears that this was the project referred to by the chairman. We were informed that the records for this project have been transferred to storage.. However, we noted that the list of questions submitted to the International Cooperation Administration (ICA) by the House Committee on Foreign Affairs (see p. 13) included one inquiry pertaining to the Lebanon project. In its reply ICA stated that the project included (1) a dairy barn, cattle shed, fence, silos, and a barnyard, and (2) the importation of farm equipment and purebred Holstein cattle for upbreeding the local strain. The agency

also stated that the project cost about $186,000 and that the United States contributed about $100,000 of this amount.

IN LIBERIA MILLIONS OF U.S. AID DOLLARS WERE DONATED TO REDUCE THE LEVEL OF POVERTY; THIS MONEY WAS USED TO BUILD A LUXURIOUS NEW PALACE FOR THE LIBERIAN PRESIDENT (AGENCY FOR INTERNATIONAL DEVELOPMENT)

In this instance the newspaper apparently misquoted Representative SNYDER. In his statement in the CONGRESSIONAL RECORD (p. 3238, vol. 109, No. 33, dated Mar. 4, 1963), Representative SNYDER stated that a $10 million palace is being built for the President of Liberia, and that Liberia had received $40 million in foreign aid funds and around $250 million in development loans through fiscal year 1962. He did not say that the assistance funds were used to construct the building, and to our knowledge no aid funds have been used for this purpose.

This matter was brought up during the 1963 appropriation hearings by a member of the House Subcommittee on Foreign Operations Appropriations who had visited Liberia and other African countries in late 1961. A report on the subcommittee member's trip is included in part two of the House hearings on the 1963 foreign assistance appropriations. The subcommittee member's criticism appeared to be that Liberia's limited resources should be better utilized than for the construction of a new residence and office building for the President.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

EXTENSION OF MEXICAN FARM LABOR PROGRAM

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

PUBLIC AIRWAVES

Mr. ALLOTT. Mr. President, much has come to the public's attention lately about the control of the airwaves. This control involves a great deal more than just the regulation of frequencies. It is expanding to mean the regulation of editorial policy, the programing, and the business practices of broadcasters and telecasters.

Those who press toward this increasing control maintain that the airwaves—the spectrum, in trade terms—are the public's property and must be jealously guarded by public officials. This is true to a degree. But what they fail to realize is that the airwaves, or spectrum, is also a natural resource just like any other which we have developed, except that it is through the activities of private enterprise, that the airwaves are an expanding, not a depleting resource.

Mr. President, there was an excellent editorial pointing out lucidly, the points which I have just sketched here, which appeared in the August issue of Television magazine. For the benefit of other Senators, I ask unanimous consent that the editorial, entitled "The Myth About the Public Airwaves," be included in the RECORD at this point.

There being no objection, the editorial was order to be printed in the RECORD, as follows:

THE MYTH ABOUT THE PUBLIC AIRWAVES

The forum was a congressional hearing, and the subject was a bill to circumscribe the authority of broadcasters to editorialize. The committee chairman was questioning a witness who opposed the bill.

"Do you believe that the airwaves are public property?"

"Yes, sir."

"Then you must also agree that all of the people have as much right to speak their opinions on radio and television as any broadcaster has."

The dialog is paraphrased, but it presents the essence of an actual exchange that took place in Washington last month and the essence of the rationale that has been used by all regulators to justify Government intrusion into programing. "The people own the air," said Newton Minow at the beginning of his regime. "I did not come to Washington to squander the public's airwaves." With minor modifications the same cry has been raised by E. William Henry who succeeded to the FCC chairmanship. The cry has been heard since the beginning of broadcast regulation, and it is just about time that it was answered by a description of exactly what it is that the public owns.

The phrase, "the public's airwaves," connotes a natural resource that needs husbanding or a facility constructed at public expense. The spectrum, to call the airwaves by their proper name, is neither.

Oil fields, forests, mineral deposits—all the resources that are subject to conservation controls—have one quality in common: They are depleted by use. The spectrum is permanent and cannot be consumed. Its capacity only expands with advances in technology. In laboratories at this very moment are systems of transmission that will eventually make possible the broadcast of scores of hundreds of television signals in the same spectrum space that now accommodates one.

Neither is the spectrum a facility that was created at public expense. It is a natural phenomenon which, in the broadcast frequencies, has been activated by privately financed transmission systems. To the degree that the public has invested in television by the purchase of receiving sets, the action has been entirely voluntary and individualistic. The commercial television system of the United States was built by private venturers for private gain. Out of this system has come by far the most prolific volume of programing in the world.

The television broadcast service now occupies frequencies that were wholly unexplored when the Government assumed regulatory control of the spectrum in the Federal Radio Act of 1927. The 492 megacycles of "public airwaves" now allocated to television broadcasting existed in 1927, as they had since the dawn of time, but they were utterly worthless to the public until private investors developed the equipment to move pictures and sound from transmitting to receiving points. Right now the television service occupies slightly more than 1 percent of the 40,000 megacycles of spectrum space under FCC regulation. Some 50 percent of the spectrum is reserved for Government use, mostly military. If there is a squandering of the "public airwaves," the place to look for it is hardly in the television service.

The legislation of 1927 was precipitated by the need to introduce technical order to a radio system that in its primitive stage was a bedlam of interference. Congress opted for regulation that would give the Government authority to assign frequencies and supervise their technical use but would deny the Government any right to influence the programing of private broadcasters. A section of the Federal Radio Act of 1927, which is still in the law today, specifically forbade the Government to censor broadcasts or "to interfere with the right of free speech by means of radio communication."

To Congressmen who may now think that television broadcasters are squatters who are defacing public property for private gain, the way is open to correct the situation. They could pass a law reclaiming the television frequencies from private broadcasters and allocating them to a Government television service.

And after the next election, they could look for other jobs.

VIEWS OF THE JOINT CHIEFS OF STAFF ON THE TEST BAN TREATY

Mr. JACKSON. Mr. President, I should like at this time to bring to the attention of the Senate the action taken late yesterday afternoon by the Preparedness Investigating Subcommittee in connection with the appearance of Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff. I thought all Members of the Senate would wish to be informed on this matter in connection with their consideration of the test ban treaty.

At the Preparedness Subcommittee yesterday a motion which I made was unanimously adopted calling on the Joint Chiefs to supplement their testimony by promptly providing to the Senate Armed Services Committee a statement of the specific requirements to implement the necessary safeguards laid down by the Joint Chiefs in their testimony in order to reduce the risks and disadvantages of the test ban treaty.

This request is being formally transmitted to Secretary McNamara and the administration.

The motion which I made as unanimously adopted reads as follows:

I move that the Joint Chiefs of Staff submit to the Senate Armed Services Committee as soon as possible and in any event prior to committee action on the test ban treaty, a statement of the specific requirements to implement the safeguards proposed by the Joint Chiefs for reducing the risks and disadvantages of the limited test ban treaty, which safeguards are set forth in the statement presented by the Chairman of the Joint Chiefs of Staff to this committee on August 14, 1963, as follows:

"11. Recognizing the foregoing disadvantages and risks, the Joint Chiefs of Staff believe that they can be reduced through certain safeguards. These safeguards include:

(a) The conduct of comprehensive, aggressive, and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture for the future.

(b) The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain, and insure the continued application of our human scientific resources to these programs on which continued progress in nuclear technology depends.

(c) The maintenance of the facilities and resources necessary to institute promptly nuclear tests in the atmosphere should they be deemed essential to our national security or

burying us, they could not have chosen better ones than the Birchites and their fellow traveling radical crackbrain followers. They aid and abet the Communists by creating disunity and distrust and undermining our institutions from within.

Mr. President, the majority of Americans are educated, informed, jealous of their rights, and aware of their responsibilities. Our home grown Fascists have been able to pull the wool over only a few eyes. However, the efforts of the Birchites are unceasing and their resources are often unlimited.

One of the newest techniques for bringing their message of hate and fear to Americans is the mobile library. At this moment, John Birch bookmobiles are moving through the streets of our cities and towns, carrying their propaganda to the doorsteps of those who do not seek it out at secret cell meetings. We are all invited to become "acquainted with the truth," as the radical right defines it in statements such as "Democracy is merely a deceptive phrase, a weapon of demogoguery, and a perennial fraud"; "Foreigners are running the country"; "The clergy is riddled with Communists—pull them from their pulpits if necessary."

I know that the vast majority of Americans will not swallow these lies. However, there is the danger that many well-meaning Americans will embrace the easy answers provided by Welch as valid solutions to confusing and complex problems. There is the further danger that the rest of us will not care enough or be sufficiently aware of the threat from the right to present our opposing views with equal vigor and determination. An organized and vocal minority can, indeed, overcome an unconcerned majority. Unfortunately, we have witnessed this occuring time after time during this century in countries throughout the world.

When I express my conviction that the John Birch Society is the most dangerous organization in America, I perhaps give it an importance it does not merit. I do not think so.

The John Birch Society has introduced a new intelligence to the lunatic fringe by developing a formal structure more sophisticated than any other rightwing group. It has evolved secretive community-level cells, just as the Communists did. Its leader—its "little Hitler"—Robert Welch, maintains rigid control of programs and activities. Because of its secret nature, the society has drawn into its ranks and into its leadership ultrarespectable business and industrial leaders who shun participation in the more clamorous rightwing groups. They have money and influence and are willing to use both for the organization. The monetary support of these business leaders, plus that of the the ordinary John Birch Society members, brings the society an estimated income of more than $1,500,000 a year. Since its founding in 1958 the society is believed to have attracted more than 60,000 members.

Mr. President, America has enough headaches in finding a course of action to meet the encroachments and challenges of international communism and Soviet and Red Chinese imperialism. We do not need the radical right to complicate matters. Every picture of a race riot, North or South, formented by rightwing extremists, every American smeared by fellow Americans for his political beliefs, every reckless charge against responsible Government officials by the demagogues of the right does more to serve the aims of international communism than 5,000 American Communists could hope to do.

Speaking of the radical right, J. Edgar Hoover, warned that—

> Attributing every adversity to communism is not only irrational but contributes to hysteria and fosters groundless fears. * * * The way to fight it is to study it, understand it and discover what can be done about it. * * * This is neither the time for inaction nor vigilante action.

I am reminded that Dr. Hutchins, when chancellor of the University of Chicago, was asked by a rightwing lady, "Dr. Hutchins, do you really teach communism in the University of Chicago?"

He said, "Yes, lady; and we also teach cancer in our medical school."

There is plenty of room in the United States for responsible conservatism. What a dull country it would be if we were all progressives and liberals. However, the groups I have described, and the vicious methods they employ, are irresponsible and destructive.

They do not grow because of the attractiveness of their aims. Few Americans would choose fascism over Democracy. They grow because of the unawareness, the apathy, and the fear of many Americans. Too many may laugh or shrug these rabble rousers off as mere mischiefmakers or annoyances. Too many may remain unaware of the proposals which they push through State legislatures and of the lies which they spread. Too many may ignore the economic weapons which they wield. Meanwhile, these self-appointed vigilantes are hard at work.

Mr. President, unfortunately today all American taxpayers are indirectly financing many of these vicious organizations. Although our laws do not grant tax-exempt status to an organization, a substantial part of whose activities is carrying on propaganda, there is increasing evidence, as the distinguished junior Senator from Oregon [Mrs. NEUBERGER] has pointed out, that dozens of these groups are masquerading as educational and religious organizations, flooding the country with partisan political propaganda, and are financed by tax-free contributions from businessmen.

Unfortunately some of these contributors are also retired and softbrained generals and admirals. In 1961 a score or more of these lunatic rightwing oriented propaganda organizations took in more than $5½ million in tax-free contributions.

Mr. President, how is it that such a flagrant abuse of the charitable deduction provisions of the income tax law is permitted to exist? What justification do Internal Revenue Service officials give for allowing this situation to continue?

I do not propose that committees of Congress caravan about the country conducting investigations into the activities of the radical right. I believe we have had enough investigations into the political beliefs of free American citizens. However, I do propose that corrective action be taken to close this tax loophole favoring these book burners and witch hunters.

It is time to put an end to this tax loophole; and I hope that this will be done later, when tax legislation is considered.

Mr. President, the radicals of the extreme right are at odds with the very purpose of our Nation—freedom and democracy. If they are to be restrained and to be prevented from giving further solace and comfort to our Communist adversaries, they must be subjected to constant exposure and relentless publicity. We must continue to show them as the demagogs they are. America is last with them.

EXTENSION OF MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HOLLAND obtained the floor.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. It is my understanding that the Senate is about to proceed with the consideration of the so-called bracero bill. It is a very important bill to a great many States in the Union. I wonder if the Senator from Florida will yield to me for the purpose of suggesting the absence of a quorum, so that the membership of the Senate may be notified.

Mr. HOLLAND. I am glad to yield to the Senator provided that I have the unanimous consent of the Senate for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CLARK. Mr. President——

Mr. HOLLAND. Mr. President, I have the floor, do I not?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. Mr. President, I am glad to yield to the Senator from Pennsylvania to bring up a conference report. He and I have an understanding that if opposition to the consideration of the report develops, he will yield the floor back to me, so that we may proceed with the bill. However, he does not anticipate such opposition.

EXPORT-IMPORT BANK ACT EXTENSION—CONFERENCE REPORT

Mr. CLARK. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3872) to increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of today.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. CLARK. Mr. President, I ask unanimous consent that the statement of the managers on the part of the House may be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3872) to increase the lending authority of the Export-Import Bank of Washington, to extend the period within which the Export-Import Bank of Washington may exercise its functions, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

EXPLANATION

The bill as passed by the House and the bill as amended and passed by the Senate have certain features in common:

Both versions of the bill would extend the charter of the Bank to June 30, 1968.

Both versions would raise by $2 billion the total amount of loans, insurance, and guarantees the Bank is authorized to have outstanding at any one time.

Both versions would raise (within the overall limit for loans, guarantees, and insurance) the amount of export credit insurance and guarantees, which the Bank may have outstanding against a 25-percent reserve, from a present maximum of $1 billion to a new maximum of $2 billion.

In addition, the House and Senate versions of the bill are similar in that both would provide for a $2 billion increase in the funds available to the Bank—to match the $2 billion increase being made in its lending authority—but the two versions are dissimilar as to the methods which would be used to finance the $2 billion of additional funds. As passed by the House, the bill would authorize to be appropriated the $2 billion of increased financing. As passed by the Senate, the bill would authorize the Bank to obtain the additional funds under its present method of financing, which is to borrow the funds as needed from the Treasury.

The conference agreement adopts those provisions of the bill which are identical in both the House and Senate versions. More specifically, the agreement provides that—

(a) the life of the Bank be extended to June 30, 1968;

(b) the aggregate amount of loans, guarantees, and insurance which the Bank may have outstanding at any one time be increased by $2 billion; and

(c) the aggregate amount of export credit insurance and guarantees which the Bank may have outstanding against a 25 percent reserve be increased from the present maximum of $1 billion to a maximum of $2 billion.

The conferees further agreed, however, that no additional funds are to be provided at this time for financing the Bank's operations. The principal disagreement between the House and the Senate—indeed substantially the whole of the disagreement—is over the method by which the additional funds for the Bank are to be provided. The agreement of the conferees does not resolve this dispute one way or the other, either in favor of the appropriations method or the Treasury financing method. On the contrary, the agreement postpones a resolution of the issue until such time as the Bank is in greater need of additional funds.

Such a postponement of the issue is made possible by the fact that the Bank has available for its loan, guarantee, and insurance operations certain funds other than those made available by its authority to borrow from the Treasury. These additional funds, as of June 30, 1963, consisted of (a) approximately $810 million of surplus; and (b) approximately $520 million which have been borrowed in effect, from private banks through sales of "participation certificates" in certain of the Bank's assets.

By reason of these funds derived from sources other than Treasury borrowing, it is anticipated that the Bank now has sufficient funds available to it to meet its anticipated needs for a reasonable period of time.

Finally, the bill as passed by the Senate contains a provision not in the House bill which would require that the Bank make a report to Congress only once a year, rather than on a semiannual basis as required by present law. The conference agreement omitted this provision of the Senate bill, upon the belief that the more frequent reporting to Congress is appropriate.

Mr. CLARK. Mr. President, the differences between the two Houses on the different bills passed by the Senate and the House have reference only to the method of providing additional money for the operations of the Export-Import Bank. Both the House bill and the Senate bill extended the charter of the Bank until June 30, 1968; both bills raised by $2 billion the total amount of loans, insurance, and guarantees the Bank is authorized to have outstanding at any one time; and both versions raised, within the overall limit for loans, guarantees, and insurance, the amounts of export credit insurance and guarantees which the Bank could have outstanding against a 25-percent reserve, from the present maximum of $1 billion, to a new maximum of $2 billion. In all these respects the Senate and the House bills were identical.

Both the Senate version and the House version authorized $2 billion of additional funds for the Export-Import Bank, but the methods of providing these additional funds were radically different. The Senate version called for a continuation of the system of Treasury financing which has been in effect ever since the Bank was organized in the 1930's. We have, in point of fact, followed the method of financing banking operations in which the Government had an interest that has been used ever since the founding of the First Bank of the United States, in the days of the Washington administration, when Alexander Hamilton was Secretary of the Treasury. However, the House determined to scrap that traditional method of financing and to substitute the appropriations method of financing for the additional money to be provided. It was on this disagreement that the conferees broke.

As I recall, the conference committee held eight meetings at which no satisfactory solution of this dilemma could be reached. One reason was that the problem of Treasury financing versus appropriations financing runs into deep divisions in points of view in the House and Senate. Certain groups in the House and virtually all of the Senate have felt that in this banking operation and in certain other operations Treasury financing is infinitely preferable to appropriations financing. The Senate view was based upon the fact that it is impossible, or if not impossible, at least very difficult, indeed, for a bank such as the Export-Import Bank to conduct normal long-term operations if it is never known what funds will be available in any year until the Committees on Appropriations so declare.

On the other hand, the House felt that the method of Treasury financing could be referred to as "back-door financing" and, in effect, bypass the Committees on Appropriations.

After the eighth of the nine conferences, a suggestion was made by the President of the Bank, Mr. Harold J. Linder, that we simply defer the whole question of making any provision for additional borrowing on the part of the Bank. Mr. Linder revealed then what a great many of us had not appreciated before—although the distinguished Senator from Colorado [Mr. DOMINICK], whom I see on the floor, was more astute than the rest of us in discovering—that the Bank already had a considerable amount of unused borrowing authority. The report of the managers on the part of the House referred to this fact in very general terms. Because the President of the Bank does not wish this matter to be made more specific, I shall honor his request. All I can say is that I am now satisfied of the fact, of which I was not satisfied when we heard the testimony before the Senate committee, that there are a good many billions of dollars of additional borrowing authority unused and available to the Bank; and that, in addition to the unused borrowing authority, there are a good many billions of dollar which can be utilized to make it possible for the Bank to continue its operations without resorting to further loans from the Treasury or to appropriations.

When that fact became clear, rather late in the day, it seemed wise to solve the problem merely by not giving the Bank any more money, and thus resolve the dilemma between the two Houses. That is what the conferences report does.

As a matter of legislative history, I wish to make it abundantly clear that

the nine Senate conferees—Republicans and Democrats alike—were as one in refusing to yield to the House on the subject of appropriations financing. We did not do it; we would not do it. In the words of the distinguished Senator from Alabama [Mr. SPARKMAN], we were adamant on that subject. I wish to make it very clear indeed that there was no intension, so far as I know, of the Senate conferees yielding on this point. So if and when the time will come when the Export-Import Bank will have to ask for additional money, there can be nothing in the conference agreement which would lead anyone to believe that the Senate would recede from the position which it took on the floor of the Senate by a vote of 73 to 1, a position which all the Senate conferees took in conference. We will have to cross that bridge later. There is no decision on the part of the Senate to recede from Treasury borrowing; there is no disposition on the part of the House to recede from insisting on appropriations financing. That question is left in abeyance.

I am happy to yield to the Senator from Texas.

Mr. TOWER. Mr. President, for the sake of the record, would the Senator from Pennsylvania clarify this point, or at least make note of it; namely, that had we had earlier the knowledge that there was a substantial amount of billions of dollars available for additional lending on the part of the Export-Import Bank, this compromise could have been effected much earlier?

Mr. CLARK. That is correct.

Mr. TOWER. In that way we would not have been put to the trouble of holding nine meetings.

Mr. CLARK. Yes; we should have paid more attention to the great ability of the Senator from Colorado, who suspected this all along—although I suspect he did not realize how large the existing authority was.

Mr. TOWER. I thank the Senator from Pennsylvania.

Mr. DOMINICK. Mr. President, will the Senator from Pennsylvania yield?

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from Pennsylvania yield to the Senator from Colorado?

Mr. CLARK. I yield.

Mr. DOMINICK. The chairman of the Senate conferees, the Senator from Pennsylvania [Mr. CLARK], did a very excellent job in working out the report. He did so under what at times were most difficult circumstances.

Immediately after the first conference, after I had suggested a compromise of this kind, I called the head of the Bank. I reached his deputy. I asked him whether he would send me a letter in which he would agree that the Bank could continue under this type of operation. He said he would prefer not to send such a letter, because he hoped we would get around to giving the Bank the additional borrowing authority. But at no time did he suggest that this additional amount was available; and I did not know of it until yesterday's meeting.

Mr. CLARK. Does the Senator from Colorado agree that in view of the facts we now know, the conference report is a sound one and would permit the Bank to resume its desired operations in connection with American export trade?

Mr. DOMINICK. I agree.

At one point the House conferees returned to the House, to ascertain whether their instructions from the House were still firm; and on this point a vote was taken by the House. I believe the vote was 379 to 11 to stand firm on their decision against the so-called back-door-spending proposal. So the House was quite admant.

I believe this problem has not been finally resolved. If it comes again before the two bodies, I believe a specific vote on the problem should be taken, without being encumbered by the other items, so that the Senate may vote specifically on this one question. Many Senators think this is a desirable type of financing for this Bank, but in general are opposed to this type of financing.

Mr. LAUSCHE. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield to the Senator from Ohio.

Mr. LAUSCHE. Has there been any disclosure of the amount of additional borrowing authority the Export-Import Bank still has?

Mr. CLARK. Yes; and I shall be glad to communicate it to the Senator from Ohio. However for reasons which I think sufficient, the President of the Bank has asked that that information not be disclosed publicly.

Mr. LAUSCHE. Has the position of the Senate conferees been predicated on the proposition that the Export-Import Bank still has funds with which to operate, or has that position been taken on the basis that Treasury borrowing should be the method of financing the Bank will utilize?

Mr. CLARK. First, the Senate conferees were motivated in reaching this agreement by the fact that they were convinced that ample borrowing authority remained.

In stating their position, they point out that Treasury financing for this particular institution is superior to back-door financing.

Mr. LAUSCHE. Then do I correctly understand that the final motivation for reaching the decision was the fact that the Export-Import Bank can continue under its present borrowing authority?

Mr. CLARK. That is correct.

Mr. LAUSCHE. Does the Senator from Colorado agree?

Mr. DOMINICK. I completely agree with the Senator from Pennsylvania. The amount of money available for the Export-Import Bank in its ordinary and normal operations is considerably more than anyone in the House or any one in the Senate had any idea about. It was only when we put this all together at the last minute that we found out how much it was, and were so informed by the President of the Bank. I have no doubt that it can continue operations without any more borrowing authority.

Mr. LAUSCHE. Who initiated the movement for the granting of the additional authority?

Mr. CLARK. The Bank.

Mr. LAUSCHE. The Bank?

Mr. CLARK. Well, let me say that is only part of the story. The charter of the Bank expired the first of July; therefore the Bank had to have legislation to extend its charter. Then, in addition, to asking for extension of the charter, the Bank asked for increased borrowing authority, increased lending authority, and increased authority to issue insurance and guarantees.

Mr. LAUSCHE. What position did the Bureau of the Budget take on this matter? Did it recommend extension of the authority?

Mr. CLARK. The Kennedy administration, including the Bureau of the Budget, supported the position of the Senate in favor of increased borrowing authority under Treasury financing.

Mr. President, I shall have something to say, a little later in the day, with reference to a speech on this matter made on the floor by the chairman of the Banking and Currency Committee, the Senator from Virginia [Mr. ROBERTSON] a day or two ago. But I do not wish to delay consideration of the conference report at this time.

Mr. DOMINICK. Will the Senator from Pennsylvania yield for one more statement?

Mr. CLARK. I am glad to yield.

Mr. DOMINICK. Let me say to the Senator from Ohio that by virtue of this sudden access to knowledge which was not previously imparted to either body, we receded from the provision the Senate had added, which required only annual reports, as opposed to semiannual reports; and we agree that we want semiannual reports continued. In fact, we say, "Since you have not told us what you had before, perhaps we should call for reports more often than that." But we did not include such a provision; and the report calls for only semiannual reports.

Mr. CLARK. I agree with the Senator from Colorado. Without impugning the Bank's position, I do think we should be more careful in the future than we were in the past. We must be sure we get all the basic facts before we legislate.

Mr. LAUSCHE. Mr. President, I commend the conferees for the fine job they have done. It is refreshing to note that finally one is able to dig down into the depths and really find out what the facts are. I am, however, alarmed that there may be many other instances in which we find ourselves similarly led to reaching a judgment, without knowing all the facts.

Mr. CLARK. I yield the floor, Mr. President.

I ask for a vote on the conference report.

Mr. JAVITS. Mr. President, the conference committee, of which I was a member, made the best practical resolution of the problem. We have every assurance that the Bank will be able to carry on its indispensable function. At a time when the exports of the United States, in the interest of the Nation and

in the interest of our imbalance of international payments—its correction demanding the expansion of our exports—it was inexcusable to have permitted the Bank to remain in the upset condition of not having a charter. I know the great feeling of conscience on the part of the chairman of the conference committee, the Senator from Pennsylvania [Mr. CLARK], which induced him, notwithstanding his deep devotion to giving the Bank full capacity to do its job by borrowing from the Treasury, finally to agree to the conference report. I congratulate him on the way in which he handled that conference.

Harold Linder, the President of the Bank, is a New Yorker whom I have known for many years both as a banker and a friend. He has done an extraordinary job with the Bank.

The fact that he is willing to carry on his work, even under some disadvantages, as will be the case with the law that he must now operate under, convinces me, if anything needed to convince me, of his dedication to the public service. I am confident he will do the best humanly possible with what is put in his hands. I am confident, too, that the confidence which the operations of the Bank under his direction will engender in the Congress will make it possible for him and for the insurance companies, banks, exporters, and others who do business with the Bank to look forward with confidence. I am confident in my own heart that the Congress will do whatever is required to see that the Bank is able to do its job and to make its contribution to a material expansion of the American export trade.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

Mr. MILLER. Mr. President, I was deeply concerned over the outcome of the conference report, not so much in the results, but in the information which was revealed.

I note that in the report of the House committee it is stated that the President, the Secretary of the Treasury, the Bureau of the Budget, the Board of Directors of the Bank, and the Bank's Advisory Committee all unanimously requested approval of the bill, which provided for a $2 billion increase in borrowing authority. The Senate committee also pointed out that it was necessary for the Bank to have that $2 billion increase. Then the conference committee came out with the information that they had discovered now that by reason of funds derived from sources other than Treasury borrowing, it is anticipated that the Bank now has sufficient funds available to meet its anticipated needs for a reasonable period of time.

The Senator from Pennsylvania [Mr. CLARK], the Senator in charge of the bill, pointed out that after the ninth conference by the conferees a suggestion was made by the President of the Export-Import Bank, Mr. Harold F. Linder, that no additional borrowing be provided.

Mr. Linder revealed what a great many of us had not appreciated before—

Said the Senator from Pennsylvania [Mr. CLARK]—

that the Bank had already had a considerable amount of unused borrowing authority.

The Senator from Pennsylvania said:

I am now satisfied of the fact that there are a good many billions of dollars of additional borrowing authority unused and available to the Bank; and that, in addition to the unused borrowing authority, there are a good many billions of dollars which can be obligated to make it possible for the Bank to continue its operations without resorting to further loans from the Treasury or to appropriations.

Later, in a colloquy with the Senator from Ohio [Mr. LAUSCHE], the Senator from Pennsylvania [Mr. CLARK] said:

For reasons which I think sufficient, the President of the Bank has asked that information of the amount of additional borrowing authority of the Bank not be disclosed publicly.

I appreciate very much the information that the Senator from Pennsylvania has brought out in that connection. I do not question anyone's good faith on the committee, but I do think it is very unfortunate that the Bank asks that certain information not be made public.

Mr. President, I desire to go on record as hoping that the information that was requested will be made public and will be transmitted to me so that all may know exactly why the two committees of Congress were apparently misled into believing that an extra $2 billion of borrowing authority was necessary when billions of dollars were already available.

EXTENSION OF MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HOLLAND. Mr. President, this bill would extend the Mexican Farm Labor program without change for 1 year, through December 31, 1964.

The committee did not hold hearings on this bill for several reasons. First, because it is a simple extension, without change, of a law that has been in effect now for some years. Second, because the House Committee on Agriculture had held hearings in March of this year, and those hearings had been printed and were available to the committee and to the Senate. Third, the hearings in the House indicated that the issues were similar to those which were heard and fully considered by the Senate Committee on Agriculture and Forestry at the time of the last extension of this program. Fourth, the principal proponents of changes in the program agreed that in general the program has been working well, and that the amendments adopted the last time the program was extended had gone far toward improving the program. Finally, hearings were held by the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare on July 30. The committee felt that any further hearings would simply be wasteful of public funds.

The Mexican farm labor program provides an orderly, regulated method of recruiting needed Mexican farmworkers. Under it the Secretary of Labor, pursuant to an agreement with Mexico, recruits Mexican workers; receives and houses them at reception centers in the United States; furnishes them transportation between such reception centers and recruitment centers in Mexico; provides them with necessary subsistence, emergency medical care, and burial expenses during such transportation and reception; assists them in negotiating contracts with employers; and guarantees performance by the employers of their obligations as to wages and transportation. All expenses of the program, except compliance costs, are borne by the employers.

I wish that to be very clear. All expenses of the program, except compliance costs, are borne by the employers.

The agreement with Mexico and the standard work contract required to be agreed to by employers contain many provisions designed to assist and protect the Mexican workers under this program.

The program is designed to provide workers to do jobs for which there are not sufficient domestic workers, and every reasonable precaution is required to prevent the program from having an adverse effect on domestic workers.

The legal authority for the program was provided in 1951 by Public Law 78, 82d Congress, which amended the Agricultural Act of 1949. This authority was originally limited to the period ending December 31, 1953. It was subsequently extended to December 31, 1955, June 30, 1959, June 30, 1961, December 31, 1961, and December 31, 1963. The program is one that has been frequently reviewed and extended by Congress.

The number of Mexican workers required to supplement our domestic agricultural labor force has been declining. On page 30 of this year's hearings before the House Committee on Agriculture, Senators will find a table showing that the total number of Mexican workers admitted under Public Law 78 declined gradually from 445,197 in 1956 to 437,643 in 1959; and since 1959 has declined rapidly to 315,846 in 1960, 291,420 in 1961, and 194,978 in 1962. The program is rapidly phasing out, but it is still needed. Last year 33,214 farms in 21 States used nearly 195,000 workers recruited under the program. These users consisted of 2,264 individual employers, 57 food processors, and 231 associations comprised of 24,492 members.

Some of the workers performed necessary agricultural labor, of course, on more than one farm, since some of the workers were recontracted. The number of contracts and recontracts in 1962 was 226,948, and I ask unanimous consent to have printed in the RECORD at this point a table prepared by the Bureau of Employment Security of the Department of Labor showing the number of Mexican workers contracted and recontracted by State for the years 1959 through 1962.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Number of Mexican workers contracted and recontracted, by State, 1959–62

State	1959	1960	1961	1962
U.S. total	506,003	380,381	349,055	226,948
Arizona	29,779	24,557	21,352	16,906
Arkansas	44,780	42,443	34,073	12,410
California	152,746	127,658	113,169	127,002
Colorado	9,281	9,517	10,549	10,372
Georgia	1,094	1,264	777	0
Illinois	219	375	95	113
Indiana	558	710	780	587
Iowa	75	134	212	174
Kansas	42	17	145	142
Kentucky	436	269	57	0
Michigan	11,693	11,301	14,880	13,327
Minnesota	144	139	55	39
Missouri	1,203	594	0	0
Montana	2,210	2,438	2,640	1,814
Nebraska	2,144	2,289	2,162	2,119
Nevada	153	222	83	66
New Mexico	19,253	11,336	8,311	2,144
North Dakota	0	45	0	0
Oregon	418	350	327	365
South Dakota	217	240	252	98
Tennessee	1,228	1,139	703	165
Texas	225,498	140,308	135,515	36,289
Utah	582	523	415	640
Washington	0	60	0	0
Wisconsin	1,090	1,238	954	778
Wyoming	1,160	1,215	1,549	1,398

Source: Administrative reports, Bureau of Employment Security.

Mr. HOLLAND. As pointed out by Mr. Matt Triggs of the American Farm Bureau Federation at page 31 of the House hearings, the number of farms using Mexican labor does not fully indicate the importance of the program. In a particular county there may be 200 farmers who employ braceros, but there may be 2,000 farmers who would be drastically affected by the labor shortage if the program were terminated. In the areas where Mexican farm labor was needed the program was essential. The Secretary of Labor found and certified that domestic workers were not available to do the work. The crops could not have been planted and harvested; and these farms, the consumers of these crops, and all those engaged in handling them from farm to market would have suffered. It is probable that a smaller number of farms, consumers, and others will be affected next year, but as long as the need for supplemental labor exists it ought to be met. In recommending a year's extension the Secretary of Labor testified at the House committee hearings:

Several factors persuade us of the wisdom of this approach. First, we have a genuine concern for the needs of growers in many areas for an augmented labor force at peak periods to cultivate and harvest our crops. As long as this need continues, it must be met. A year's extension will meet this need fully and adequately.

The purpose of Public Law 78 is to provide an orderly method of supplying needed agricultural workers, subject to adequate safeguards, and with due regards for the interests of Mexico. Without it the workers could still come in, but their entry would be subject to less regulation and there would be less protection for the domestic workers. The table on page 47 of the hearings in the House, which was submitted by the Immigration and Naturalization Service, shows that during the fiscal year ending June 30, 1951—12 days before the enactment of Public Law 78 on July 12, 1951—115,742 Mexican agricultural workers were admitted legally and 500,628 Mexican aliens were located in an illegal status, a total of 616,370. For the fiscal year ending June 30, 1962, 282,556 were admitted legally and only 30,272 were located in an illegal status, a total of 312,828. The representative of the Immigration Service at page 48 of the House hearings attributed the drop in illegal entrants to a strong enforcement program, the fact that the workers are made available on a legal basis to the employers who wish to use them, and possibly other factors.

The method by which Mexican workers might be brought into the United States legally under sections 214 and 101 (a) (15) (H) of the Immigration and Nationality Act in the absence of Public Law 78 is explained at page 49 of the House hearings.

I emphasize that point because so many people mistakenly think that the only way Mexican laborers can get into this country to till farms is under this act, Public Law 78, whereas, quite to the contrary, other less desirable acts are available under which Mexican laborers can come into this country and under which they would have nothing like the protection that they, the country, or the producers who use them have under Public Law 78.

From 1948 until enactment of Public Law 78, Mexican agricultural workers were brought in pursuant to an agreement with Mexico without recruitment by the Federal Government. A number of difficulties were encountered. Employers, desiring to recruit labor as cheaply as possible, did their recruiting as close to the border as they could. Mexicans desiring work often walked many miles from central points in Mexico. They converged on the border in great numbers and created serious problems for the border towns and the Government of Mexico. Many crossed the Rio Grande into this country illegally. As illegal entrants they accepted substandard wages with consequent adverse effects on domestic wage rates, and they created serious problems for our Spanish-speaking citizens, the Immigration and Naturalization Service, and welfare agencies. Frequently those who entered legally returned to Mexico without notifying the Immigration and Naturalization Service, giving employers problems with departure bond forfeitures. The Mexican Government desired that the workers be recruited from areas of heavy unemployment, so that the economy of Mexico would be helped rather than harmed by the program. Because of these difficulties, it was suggested at a conference between Mexico and this country that rather than continue the private recruitment of farmworkers in Mexico by employers, an agency of the United States should recruit such workers and guarantee compliance with the individual work contract. Public Law 78 was enacted to provide such authority. It has worked well and during the remaining year that a substantial number of Mexican workers appear likely to be needed, continuation of this program is preferable to a return to the old inadequately regulated system.

Public Law 78 is designed not only to provide Mexican workers to perform necessary work for which domestic workers are not available, but it is designed to protect domestic workers from unregulated or illegal entry of Mexican workers to fill jobs for which domestic labor is available. Those who, according to the minority views, oppose Public Law 78 because of its adverse economic and social effects on domestic migratory labor are in error if they believe that the old private recruiting methods, involving both legal and illegal entrants, affords greater protection than does the controlled Government recruiting provided by Public Law 78.

There are of course always differing views as to how a program should be carried out. Eleven members of the Senate Committee on Agriculture and Forestry voted to report the pending measure from committee. Five members voted against reporting it. Four of those five have signed the minority views, which appear at the back of the report. I should like to take up those views in order and attempt to answer them.

First, they contend that interested parties should have had an opportunity to present their views. The House committee held hearings for 3 days at the end of March and the testimony covers 349 pages, so all interested parties have had such opportunity and their views are known. In addition, a subcommittee of the Senate Committee on Labor and Public Welfare held hearings on July 30. The Secretary of Labor testified at the House hearings, and the Under Secretary of Labor testified at the Senate hearings. The Department of Agriculture has reported to the Senate Committee on Agriculture and Forestry that it supports a 1-year extension as proposed in the Secretary of Labor's statement at the House hearings. This would include approval of the amendment proposed by the Secretary of Labor, which had been rejected by the Congress in 1961 and which was rejected again by the Committee on Agriculture and Forestry at this session.

Second, they contend that certain questions relating to the protection of domestic workers need to be answered in the light of the experience of the last 2 years. Those questions are answered by the Secretary of Labor in his testimony at page 3 of the House hearings, where he describes the administration of the program, with particular reference to the last 2 years, as follows:

This committee is cognizant of the conflicts inherent in the administration of this program. On the one hand, responsibility is placed upon the Secretary of Labor to provide supplemental labor when it is needed to assure the production of foods and fibers required for our own consumption and for our international commitments. On the other hand, the law under which the program operates, Public Law 78, provides that the Secretary of Labor when supplying such needs shall not make Mexican workers available unless he determines that their employment in the United States will not adversely affect the wages and working

conditions of domestic agricultural workers similarly employed.

In 1961, the administration proposed amendments to Public Law 78 designed to establish more specific legislative standards for protecting domestic workers against the undermining influence of the large scale use of Mexican workers. Some of these amendments were adopted, while others were not.

I digress to say that a substantial number of the amendments then requested by the Secretary of Labor were adopted 2 years ago, and those which were not adopted—now again being urged by the Secretary of Labor—were rejected by substantial votes within the committee and on the floor; and were again rejected this year as being unreasonable, impractical, and for other reasons not desirable.

Mr. PROXMIRE. Mr. President, will the Senator yield to me on that point?

Mr. HOLLAND. I am glad to yield.

Mr. PROXMIRE. The Senator did not mean to imply that the amendment proposed by the Secretary of Labor was rejected in the Senate committee this year, did he?

Mr. HOLLAND. Yes. The Senate committee declined to consider it.

Mr. PROXMIRE. Is it not true that the amendment was not acted upon?

Mr. HOLLAND. Counsel for the committee has reminded me that, after discussion of the amendment and the whole situation, no Senator even assumed to offer the amendment this year, because we knew that it had been previously rejected almost unanimously.

I note that the sponsors of S. 527, now pending in Congress, offered by certain of the advocates of the position taken by the Senator from Wisconsin, recognized the unreasonable nature of the amendments offered by the Secretary of Labor by framing the bill in such words as to try to avoid some of the impractical features in the suggestions of the Secretary of Labor.

Mr. PROXMIRE. Then the Senator from Florida concedes that no action was taken in the committee on this amendment? The amendment did not come before the committee for a vote. Actually, though some of us pleaded for hearings so that we could get the position of the Secretary of Labor as of now, 1963, before the Senate—the House having killed the bill—the Senator from Florida and the majority of the Senators on the committee prevailed, and there was no opportunity for hearing the Secretary support his amendments.

Obviously, under those circumstances, since we were defeated even as to having hearings by a two-vote margin, it was clear that it would not have been worthwhile to press for the amendment of the Secretary of Labor. The committee was not even willing to listen to him, let alone to agree to his amendment.

Mr. HOLLAND. The Senator admits that the amendment was discussed and well understood by the members of the committee.

Mr. PROXMIRE. I am sure the committee members understood the amendment.

Mr. HOLLAND. The fact is that no Senator offered the amendment, because it was so very clear that the amendment was unacceptable to the committee—now, as it was 2 years ago.

Mr. PROXMIRE. The Senator is putting it differently now. The committee did not actually reject the amendment. The committee had no opportunity to vote on the amendment. The amendment was not offered, and the amendment was not acted on.

Mr. HOLLAND. I could not agree with the Senator that the committee had no opportunity to vote on it. Five members of the committee made it clear that they favored the amendment. They had a perfect right to offer the amendment. The amendment was discussed. The amendment was well understood. Neither the Senator from Wisconsin nor any of his four "soldiers" offered the amendment.

Mr. PROXMIRE. Is it not true that the Secretary of Agriculture, to whom we look for expert advice in this regard, had not at that time made a report to the committee? He has since done so. He favors the amendment of the Department of Labor. So both the Department of Agriculture and the Department of Labor favor the amendment the Senator from Minnesota is offering. The Senate committee has not acted pro or con on it, although the Senator is absolutely correct in saying it was not brought up by Senators who favored it.

Mr. HOLLAND. The Senator is correct. I know perfectly well that the Secretary of Agriculture "goose stepped" right along with the Secretary of Labor in support of the amendment, though Senators of the same persuasion as the distinguished Senator from Wisconsin, in offering a separate measure to take care of this situation, S. 527, decided to rewrite the language so as to try to meet some of the objections which have been made to the amendments offered by the Secretary of Labor.

I continue the quotation of the testimony by the Secretary of Labor:

In signing the legislation as finally enacted by the Congress, the President directed the Secretary of Labor to use the full scope of his authority under the law to institute policies which would safeguard domestic workers against adverse effect resulting from the use of Mexican workers.

The administration of the new amendments and new policies instituted since 1961 has, in my judgment, been reasonably successful in carrying out the purposes of Public Law 78 and meeting our responsibilities under it.

I want it clear in the RECORD that I am still quoting the Secretary of Labor, who said that the act had operated reasonably well. To use his language again, the program has, and I quote:

been reasonably successful in carrying out the purposes of Public Law 78 and meeting our responsibilities under it.

Meaning the responsibilities of the Secretary of Labor.

I continue to quote the testimony given by the Secretary of Labor:

While the use of Mexican workers has dropped from approximately 291,000 in 1961 to 195,000 in 1962, at the same time, employment opportunities of domestic farmworkers have been preserved. Although the average seasonal employment of all farmworkers declined about 5 percent from 1961 to 1962, virtually all of the decline was in the employment of Mexican nationals, and domestic worker employment remained almost unchanged.

That testimony by the Secretary of Labor is particularly worthy of attention because it shows that while, because of the use of more machinery on the farm, the use of hand labor has been declining, that decline has been almost entirely among those who comprise the Mexican labor group, and not at all among the domestic workers, the number of whom, as the Secretary says, has remained practically unchanged.

I quote the Secretary's words again:

Domestic worker employment remained almost unchanged.

Third, the minority points to current unemployment figures, the low annual income of migratory workers, and the fact that Americans can and do perform stoop labor in certain sections of the country. None of these appears to constitute a valid argument against extension of the program. No worker can be made available under the program in any area unless the Secretary of Labor has determined and certified, first, that sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to do the work; second, that wages and working conditions of domestic workers will not be adversely affected; and third, that reasonable efforts have been made to attract domestic workers at wages, hours, and working conditions comparable to those offered the foreign workers.

The Secretary of Labor recognizes his duty to see that domestic workers are not supplanted or adversely affected. His statement at the House hearings which I have just quoted attests that this duty is fully observed, and I believe that all fairminded persons recognize that that is the case. The fact, then, that there may be unemployment in other areas, that similar work may be performed by domestic workers, and that the annual income of these seasonal, unskilled workers is low does not present any reason for not extending the program. The work will not get done if there is no one willing and able to do it at the time and place it is to be done. Unemployment at planting time cannot be helped by refusing to make workers available at harvesttime. If domestic workers are not available to do the work, failure to furnish Mexican workers cannot advance the interests of domestic workers. In fact, if farmers cannot be sure of having sufficient workers at peak demand periods, such as at harvesttime, they may be unwilling to hire domestic workers to do the planting or cultivating, and there will be fewer commodities to be handled by domestic workers engaged in processing and marketing. It is to the advantage of all that supplemental labor be available when needed. It is to the advantage of the Mexican Government and the Mexican economy that the workers be brought from areas of high unemployment in Mexico rather than from areas where the workers may be needed locally, as was the case before this bill passed.

And it is to the advantage of all that such supplemental labor be made available through a Government-controlled program, rather than by the more or less catch-as-catch-can private recruitment which prevailed prior to the passage of Public Law 78.

The Secretary of Labor has said we will need supplemental labor for another year. Let us fulfill our responsibility to make such labor available in a well-regulated manner, to the best interests of all.

I would like to conclude with a word about the hearings before the Senate Labor Subcommittee on July 30. The Under Secretary of Labor there stated that he would oppose extension of Public Law 78 unless certain amendments were adopted. Those amendments would give the Secretary powers which Congress had made "abundantly clear"—and I quote the Under Secretary when I use the words "abundantly clear"—the Secretary should not have. The Under Secretary was quite specific on this point, stating at page 4 of the hearings:

> The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to require, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers. It is for this reason that we would oppose any further extension of Public Law 78 without amendments which would bring the required job offers made to Mexicans and to domestic workers to an approximate level.

Now a word as to the amendments demanded. The amendments demanded by the Secretary would empower him to require employers to provide domestic workers with housing, transportation, and insurance comparable to that provided workers recruited under the act. Congress has denied the Secretary these powers in the past because they are vague, extensive, and unnecessary. They are also impractical and unreasonable.

The Mexican is a single male far from home for whom barracks-type housing is quite adequate; and that is what is supplied, as a rule.

Now, what will be comparable housing for the domestic worker, who lives in the neighborhood, may be male or female, may be accompanied by his family, and may work for a day or the year around? Quite frankly, the committee did not know, the Congress did not know, the Secretary of Labor does not know, and the Under Secretary does not know. The Secretary of Labor, at page 5 of the House hearings, says he could require the employer to pay the domestic worker more money. He says, "Equivalent allowances could be offered." The Under Secretary makes an identical statement at page 6 of the hearings before the Senate Labor Subcommittee. So what is really being asked here is higher pay for the domestic workers. But the Mexican agreement requires that the Mexicans be paid the prevailing rates. If domestic rates are raised to include a housing allowance, will the Mexican rates have to be raised also? This Mexican agreement would so require.

As for transportation, the employer would have no assurance that the employee would work even 1 day after the transportation had been furnished. The Under Secretary states, at page 7 of the Senate Labor Subcommittee hearings, that this experience can be minimized by establishing better employer-employee relationships; but this hardly answers the problem, particularly for the employer who has paid the transportation for workers who have decided to go elsewhere.

So long as there are laws throughout the United States, both Federal and State, against peonage, against forced work by people who are employed, it is idle, impracticable, and unreasonable to compel a domestic employer to pay transportation costs, perhaps across two or three State lines, for workers who may not do a lick of work when they arrive, and who do not have to do so under the law. After they start working, perhaps they are offered more in an adjoining county or community, or they may decide that the fishing is better in an adjoining community, and go there, leaving the farmer holding the bag, without any chance to be reimbursed for the cost of transportation.

In this regard, I note that the bill, S. 527, introduced by Senators who say they favor the adoption of the amendment offered by the Secretary of Labor tries to meet this issue by providing, in effect, that when this happens to a farmer, he shall have the right to collect from the U.S. Government, and that the U.S. Government must proceed against the worker. This might constitute some improvement over the Department's proposal.

Mr. President, how impractical and unreasonable can people become in the name of social welfare as to make this requirement for the producers of perishable commodities all over this country? That is what we are talking about now; we are talking in the main about commodities which must be harvested when they are ripe or be lost, not merely to the producer, but lost to the whole farming industry, the consumer, the country, and the whole economy. The imposition of arbitrary and unreasonable requirements on the obtaining of needed labor for these crops can only result in great losses to farmers, workers, and others. Before any necessary laborers can be obtained under the agreement with Mexico, and Mexico is perfectly willing to send workers here, they must be recruited from areas of unemployment—and I believe that is a reasonable requirement on the part of the Mexican Government—then they are safeguarded so far as type of housing is concerned, and treated well. Those are reasonable requirements. But it is not reasonable to prohibit that labor from being made available unless the farmer first pay transportation charges for anyone who says he is willing to work, but who may never perform a minute's work. Under the Department's proposal, a farmer would be required to pay the transportation cost from the place of procurement of the labor to the place of employment, knowing perfectly well that he may not get an hour's work out of the laborers for whom he is expending sizable sums. Such a requirement is not reasonable.

The next point: Occupational hazard insurance is of course a State matter appropriate for State regulation. Some of the States could meet this condition in their agricultural economies. Others could not. It is idle to say that there should be a Federal law applicable to all, on the verge of the seasons when the employees are to be used in more than 25 States, and that they should all have to meet a condition which can be met in only a small number of States.

Assuming then, that the Senate once again determines that housing, transportation, and occupational insurance for domestic workers are matters that should not be covered by Public Law 78, the question is, Should Public Law 78 be extended?

It is inconceivable to me that the Senate, the House, or the Congress should approve this idealistic, impractical amendment suggested by the Secretary of Labor, which, on the very face of it, does no justice to the situation, but does great injustice to the producers of perishable commodities in that great part of the country where Mexican labor is used.

The question is, Would it provide more protection for the domestic workers than does the law that would otherwise be applicable to the importation of Mexican farmworkers? It was passed to provide precisely such protection; and the Under Secretary of Labor makes it quite clear at page 19 of the Senate Labor Subcommittee hearings that it does, as follows:

> Mr. HENNING. This is another system of importation of foreign workers lacking, in general, the safeguards that are in Public Law 78, although there is a test feature involved here where domestic labor is not supposed to be available before West Indians or Canadians or other foreigners can enter.
>
> For example, they can be used to break strikes, whereas those coming in under 78 cannot. There are sharp differences in the conditions and I would say 78 is a better law than 414.

Mr. ALLOTT. Mr. President, will the Senator yield for a question on that particular point?

Mr. HOLLAND. I yield to the Senator from Colorado.

Mr. ALLOTT. The Senator has had a great deal of experience in this area over the years. Is there any question in his mind that if Public Law 78 were not extended, the opportunity for imported employees to be used as strikebreakers would be far greater than it would be under the present circumstances?

Mr. HOLLAND. The opportunity would exist under Public Law 414. It does not exist under Public Law 78.

Mr. ALLOTT. There is no question in the Senator's mind, in accordance with the Secretary's statement, that imported employees cannot be used in any way for that purpose, that is as strikebreakers.

Mr. HOLLAND. I am sure that is the case under Public Law 78. The Under Secretary of Labor Henning, testified on

this subject before the Senate Labor Subcommitte on July 30, as I recall.

For example, they can be used to break strikes, whereas those coming in under 78 cannot. There are sharp differences in the conditions and I would say 78 is a better law than 414.

He makes that very clear. I believe he is completely correct, that those coming in under Public Law 414 can be used to break strikes, and that they cannot be used under the particular law that is under discussion at this time.

I know a great deal about Public Law 414. In our State not even one Mexican laborer is imported under Public Law 78. We operate under the other law, Public Law 414. I know a good deal about the operation of that law. I have been to Nassau and have seen how very carefully applicants are screened. I have observed the careful screening tactics used by the colonial government in finding men—they come in, of course, without their families—who are family men, who have no criminal record, not even a conviction for drunkenness, and who are willing to make substantial assignments to their wives and children back home, before they will be permitted to come, first to my State, because the need for their work comes earlier in the year, and then to the other States farther up along the seaboard. So far as we are concerned, the other law, Public Law 78, must be continued, or there will not be satisfactory conditions, because there is no sea between the States and Mexico, and because prior experience shows that more than 500,000 would come in under other conditions, whether legally or illegally; and experience also shows that the Mexican Government itself is not willing to have Public Law 414 continue to apply to the importation of Mexican laborers.

I served on the same committee under the leadership of the distinguished chairman, the Senator from Louisiana [Mr. ELLENDER], who is now present in the Chamber, when the bill was enacted. I served on the subcommittee which held the hearings. I talked with Mexican officials. I talked with our State Department officials. I talked with the agricultural producers involved. I know perfectly well—and I am sure my chairman will bear me out—that the Mexican officials made it plain that, rather than to have a condition continue under which labor was being drained out from areas immediately across the border, sometimes illegally, and with the laborers being unfairly treated, they would prohibit any workers coming into the United States, because they could not put up with the system that was then operating. They insisted upon a law to meet that condition.

New England uses labor from Canada, and there is no problem there. We, along the lower parts of the east coast, use labor from the British West Indies. They are English-speaking laborers. The Colonial Government is jealous about safeguarding its people.

We want that program to continue under the law that we have.

The Bracero Act was passed to assure conditions of availability of workers and to meet the specific demand and requirements—and I thought they were legitimate requirements—of the Mexican Government, because many of their people were being abused under the old system.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. ALLOTT. If Public Law 78 should not be extended, there would be nothing to prevent employers in the western part of the country from using Public Law 414 for the importation of labor. Is that correct?

Mr. HOLLAND. Nothing at all, until such time as the abuses might again become so evident that perhaps the Mexican Government would take the same position it did prior to the enactment of Public Law 78.

Some do come in every year under Public Law 414, even from Mexico. That is another thing that our friends in the opposition do not seem to understand. Thousands can come into this country under that law.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. McCARTHY. Will the Senator explain who in the opposition does not understand about Public Law 414?

Mr. HOLLAND. Does the Senator from Minnesota mean that he understands that thousands come in every year from Mexico?

Mr. McCARTHY. I certainly do.

Mr. HOLLAND. I withdraw my statement as to the Senator from Minnesota. I do not withdraw it as to some other Senators.

Mr. PROXMIRE. Mr. President, I hope the Senator will withdraw it so far as the Senator from Wisconsin is concerned. I am thoroughly aware of the situation and have been for some time. I also know that the Labor Department has cracked down on the program very stringently. The Labor Department is now following a policy far different from the past policy. The expectation is that the number of Mexicans who will come into the country in the future under Public Law 414 will not reflect any diminution in the number that would come in under Public Law 78.

Mr. HOLLAND. I wonder if the Senator agrees with the statement of Mr. Henning, Under Secretary of Labor, when he said that Public Law 78 is a better law than Public Law 414.

Mr. PROXMIRE. I agree that Mr. Henning made that statement.

Mr. HOLLAND. Does the Senator agree with the conclusion?

Mr. PROXMIRE. In answer to the statement of the Senator from Florida, in the first place, I would like to eliminate Public Law 78. Then it would be possible, under present policies which have been followed by the Department of Labor since June of this year, to limit the number coming in under Public Law 414, to provide for the legitimate need for additional Mexican workers.

We have not made our case as yet, but I think we can show that those who believe in free enterprise in America, who believe in the law of supply and demand, should not support a governmental policy subsidized by the American taxpayers that imports foreign workers at a time when there is considerable unemployment, and when the effect of the importation is to keep the wages of domestic workers from rising.

I am shocked that the Senator from Florida and other Senators, who are sincere and able advocates of free enterprise, are championing a bill that requires our Federal Government to interfere so grossly in the free play of supply and demand. This bill can have no other effect. It does not depress wages, because the law provides that it cannot do that. But it does not permit wages to increase, as they obviously would have to increase if the Mexican braceros did not come in—200,000 of them—to do work which Americans admittedly will not do, in some cases, in some parts of the country, at low wages, at stoop wages. But give them a dollar and a half or $2 an hour, and they will respond. And this is exactly, precisely the way free enterprise is supposed to work; is it not?

Mr. HOLLAND. I appreciate the sincerity of the distinguished Senator from Wisconsin. I know that the facts that have been developed in the adjoining State of Michigan show rather conclusively that large numbers of unemployed persons, who have worked in the various industries, have not been, for the most part, willing to work at stoop labor, for which Mexican labor is imported, as I understand, to the extent of about 20,000 at the maximum. As I read last year's figures, approximately 13,000 came from Mexico to Michigan.

I invite the Senator's attention to several pages of the Mexican farm labor program hearings in the House of Representatives. The first one is on page 106, a statement made by Mr. Richard Walker, representing the National Pickle Growers Association, Grand Rapids, Mich. I hope the Senator will bear with me while I read several brief paragraphs:

A brief review seems in order respecting our efforts to recruit domestic labor. For many years we have been increasing our efforts in this direction. The Labor Department and the Bureau of Employment Security people, at both the Federal and State level, have cooperated, assisted, and encouraged us in these recruitment efforts. The record shows that each year more strenuous efforts are made, but the record also shows beyond any doubt whatever that in the pickle harvest, available and willing domestic labor does not exist in sufficient supply to harvest this crop.

The Senator knows that the labor is used almost on a hands-and-knees basis to go over the cucumber vines and pick the tiny cucumbers when they are about the size of one's small finger, or smaller. I continue to quote from the statement of Mr. Walker:

Even though there is a considerable amount of unemployment in the country, we are simply unable to get a sufficient number of domestics who are willing to perform this labor. The harvest of pickles is stoop labor. It may seem strange that people are unemployed and yet we cannot induce them to pick cucumbers. The answer is that the domestic laborer is unwilling and often physically unable to do this work.

Going to page 107, I shall read one paragraph there. The Senator from

Wisconsin can then place in the RECORD anything else he wishes:

I might add that I would be content to submit this entire matter on the simple question of whether the pickle industry has been fully cooperative with the Secretary of Labor in helping improve all of these conditions. We would be glad to have the Congress of the United States examine carefully our record of cooperation in upgrading living conditions, housing, pay, and the other matters.

From the viewpoint of our industry, this program is absolutely mandatory for survival. It must be continued until such time as the research efforts we have been making can achieve success.

Let us consider the testimony of a representative of the cherry-picking industry, a distinguished national employer of agriculture, Mr. Richard T. O'Connell, secretary of the National Council of Farmer Cooperatives. The Senator from Wisconsin knows that that is a great group of cooperatives. I shall not attempt to quote all of Mr. O'Connell's remarks, but there are many others on the same subject:

We believe the Michigan study indicates conclusively the employment of Mexican braceros does not impair the position of domestic workers, particularly those classified as hard-core industrially unemployed; the hard-core industrially unemployed find agricultural work unappealing; and the failure to extend the Mexican program for at least 2 years will cause hardship on farmers who need willing and qualified workers to cultivate and harvest their crops.

At another place in the testimony, the witness makes it clear that large sums of money are spent in an effort to employ domestic workers; that it is preferred to have domestic workers because they are close by; but that most of them will remain for only a few hours or, at most, a day or two, and then be gone. The farmers would then be without a supply of labor.

All that is clearly shown, if the distinguished Senator from Wisconsin will read the statements of the two witnesses from whose testimony I have quoted only in part. There is a serious problem.

I believe our distinguished friends are not recognizing the perilous situation in which they would leave hundreds of thousands of producers of highly perishable crops in that part of the Nation served by Mexican braceros if they either defeat the extension of the Act or succeed in their effort to extend it only with the impractical and unreasonable amendments suggested by the Secretary of Labor.

Mr. PROXMIRE. Mr. President, what is the Senator from Florida saying? He is saying that in Michigan it is not possible for the pickle industry to obtain pickers from Detroit, Pontiac, or other big automobile centers—people who, when they had a job, had been accustomed to working for $2.50 or more an hour. It is not possible to get such urban unemployed—and that is a large part of the unemployment problem in Michigan—to work as agricultural workers at a wage which is a fraction of what they had been making before. They have to leave their homes, transport their families, and support their families on disgracefully low wages. And they simply cannot do it.

Obviously, a man who has been an automobile worker in Detroit, or who has had almost any kind of job in industrial America, cannot be expected to work at such wages. That is why it is said that it is impossible to get Americans to work at stoop wages. But this is exactly the way our free enterprise system works. If we want something in short supply we must pay more for it. If we want wage earners in short supply, we pay more for them. What is wrong with that? That is the way wages should increase, according to those who, like the Senator from Texas [Mr. TOWER], the Senator from Florida [Mr. HOLLAND], and I, are champions of the free enterprise system. We want to keep Government out of these programs as long as we can.

But if we wish to have good economic conditions, we must recognize that there will be periods of transitional difficulty, when it will be necessary for wages to increase quite rapidly. But this program prevents wages from going up—and that is what is done when Mexican braceros are brought into this country to do this kind of work. This is an unwarranted, unfair, uncapitalistic, and anti-free-enterprise method of interfering with our economy.

Seven and three-tenths percent of this country's agricultural workers are out of work. Many of these farmworkers do not live in Michigan. Many of them live in the southern and western parts of our country. Why should they migrate to Michigan for only 70 or 80 cents per hour? They are experienced workers, who have picked these crops before and who are willing to pick them; but in order to induce them to migrate to Michigan to pick pickles or tomatoes, it will be necessary to pay them more than is paid now.

This is the simple law of supply and demand that the present bill now before the Senate would interfere with.

There is no question in my mind that if it were not for the bracero program wages would go up. I cannot approve of the Federal Government adopting a policy of providing tomatoes, pickles, or any other commodity at the expense of the American migrant farmworker, under a system which provides for a most unfortunate condition for the Mexican migrant who comes into this country.

Mr. HOLLAND. The Senator from Wisconsin is undoubtedly in good conscience in his position; I do not question it. But I invite his attention to two points. First, we do not pay the same rate for picking small cucumbers for pickles that is paid to mechanics who assemble automobiles in automobile factories. If the Senator from Wisconsin is suggesting that that can be done, he is suggesting something that is earth-shaking to the whole system of private enterprise and the economy which he has just said he supports.

Mr. PROXMIRE. My position is that if they are paid——

Mr. HOLLAND. Mr. President, have I the floor?

The PRESIDING OFFICER. The Senator from Florida has the floor.

Mr. HOLLAND. I ask the Senator from Wisconsin to desist, please, until I have finished my statement.

Second, if the Senator means that the Department of Labor is satisfied by the mere recruitment of labor among nearby areas of industrial unemployment, again he is completely mistaken. In the case of my own State, which operates under Public Law 414, but with the same requirements on recruitment, we are required to maintain recruiting offices, and have been required to go as far as Missouri, Oklahoma, Maryland, and Virginia—and the Senator knows what the distances are between those States and the State of Florida. We don't just go to the urban centers of unemployment but we find that the best labor we get is from the unemployed rural laborers, and we prefer to employ them, if they are good workers—for reasons that are quite obvious. But when we cannot get them—and in many cases we have been unable to get them—we believe that the Senator from Wisconsin himself would feel that precious perishable crops should not be allowed to go to waste, thus driving the small farmers—in particular—out of their calling. But that is what is happening in many areas.

I think the Senator from Wisconsin would feel that the Department of Labor has been very aggressive in asserting and enforcing the provisions of these two laws on the recruitment problem.

I think the record shows abundantly two things: First, that there is no available supply of workers of any kind to meet these peak periods of the production of perishable crops; second, that it is clearly shown that those who are used to industrial employment on assembly lines simply will not stay on these farm jobs. They come down by the thousands; but—as we glean from the records for Michigan alone—they soon go back, and leave a void in this employment which must be filled quickly, or else the crops cannot be harvested.

Mr. President, I promised to yield to the Senator from Texas, if he is still in the Chamber.

Mr. PROXMIRE. Will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. PROXMIRE. I thought the Senator from Florida said the Secretary of Labor or the Assistant or Under Secretary of Labor—perhaps I misunderstood him—indicated that if this bill were not enacted in some form, it would be impossible to get workers to do this job. Is that the position taken by the Senator from Florida?

Mr. HOLLAND. I so interpreted the testimony of both those distinguished witnesses.

Mr. PROXMIRE. On page 16 of the minority views, based on the hearings held on July 30, appears the response to my question about this matter:

This situation exists basically because of the limited authority vested in the Department of Labor under Public Law 78. The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to re-

quire, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers.

A little later——

Mr. HOLLAND. I believe this shows with complete clarity the fact that this bureaucrat, in a high appointive position, has not the slightest understanding of the problems of the producers of perishable commodities. I regret that is the case.

Mr. PROXMIRE. Let me say to the Senator from Florida that I was taking the word of the witness he selected to support his position.

Mr. HOLLAND. I rely on the official testimony of the witness. The distinguished Senator from Wisconsin has quoted his witness when he said he was speaking wholly on a personal basis. That is his personal opinion, not his opinion when speaking in an official capacity. I think there is a considerable difference.

Mr. PROXMIRE. In the hearing before the Senate Labor Committee I interrogated the Under Secretary of Labor on exactly the question the Senator from Florida and I are debating. I asked the Under Secretary whether it was his conclusion that if the bill were not changed as proposed by means of this amendment, there would be any serious shortage of workers in 1964. He replied that there would be " a transitional difficulty of a character that I could not anticipate; but I think the law of supply and demand would quickly take care of that situation."

I point out that this is the witness the Senator from Florida has cited.

Mr. HOLLAND. Again I point out that the witness was testifying personally, in response to a question rather than from a prepared statement, second, he admits there is going to be a transitional difficulty of a character that he could not anticipate.

Well, I cannot anticipate it, either. And the poor devil who is producing a highly perishable crop, such as strawberries—which must be picked no later than the day after they become ripe—cannot anticipate it. So in view of the fact that Mr. Henning, the witness the Senator from Wisconsin has picked out—testified on this point on a personal basis rather than from an officially cleared statement, and said he cannot anticipate what that difficulty will be, I am wondering how he expects the farmers to anticipate it.

Mr. PROXMIRE. I do not know whether that was his personal testimony or his official testimony. He was there as the Under Secretary of Labor, and he made his official position clear.

He appeared at the request of the subcommittee headed by the Senator from New Jersey, he was there, not as Mr. Henning, but as the Under Secretary of Labor.

I understand, Mr. President, that the majority leader wishes to propound a unanimous-consent request. Thereafter, I should like to return later to this point, if I may.

Mr. HOLLAND. First, Mr. President, I should like to quote from the statement of the Secretary of Labor; it appears at the top of page 6 of the House committee hearing:

However, it appears there will be a definite need for foreign workers in the next year in spite of this desirabie trend.

So the Secretary of Labor, when testifying officially, had a sounder view of this matter than did his deputy, when his deputy was testifying personally.

Mr. President, I ask that the committee amendment, which is a purely technical one, be agreed to at this time. It merely changes the number of the section which is to be extended.

The PRESIDING OFFICER. The committee amendment will be stated.

The LEGISLATIVE CLERK. On page 1, in line 3, after the word "section," it is proposed to strike out "509" and to insert in lieu thereof "510".

Mr. HOLLAND. Mr. President, this amendment merely involves the substitution of one number for another.

I ask that the amendment be adopted.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. MANSFIELD. I send to the desk a proposed unanimous-consent agreement, and request its immediate consideration.

The PRESIDING OFFICER. The proposed agreement will be read.

The proposed agreement was read, as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective immediately, during the further consideration of Senate bill 1703, Calendar No. 367, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to 1 hour, to be equally divided and controlled by the mover of any such amendment or motion and Senator HOLLAND: *Provided,* That in the event Senator HOLLAND is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. PROXMIRE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Does the proposed agreement call for 1 hour on each amendment, and 1 hour on the bill?

Mr. MANSFIELD. Yes; 1 hour on each of the amendments, and 1 hour on the bill.

Mr. PROXMIRE. One hour—to be divided equally between the two sides—on the bill?

Mr. MANSFIELD. Yes.

Mr. PROXMIRE. I have no amendment to offer, but I should like to have half an hour in which to speak. I may not use all that time.

Mr. MANSFIELD. We shall do our best to accommodate the Senator from Wisconsin.

Mr. PROXMIRE. However, if I speak for half an hour, no other Senator on that side of the question will have time in which to speak.

Mr. MANSFIELD. I mean time to speak on the bill. Perhaps all other Senators on that side will agree that the Senator from Wisconsin may speak for half an hour.

Mr. PROXMIRE. Perhaps I can present my views in 15 minutes; I shall do my best.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement?

Mr. DIRKSEN. Mr. President, reserving the right to object to the proposed agreement, I understand that the distinguished Senator from Wisconsin [Mr. PROXMIRE] does not have an amendment to offer. Is that correct?

Mr. PROXMIRE. I have no amendment to offer.

Mr. DIRKSEN. However, I understand that there are three amendments, two of them technical. Has the Senator from Wisconsin any information on that score?

Mr. PROXMIRE. The Senator from Minnesota and the Senator from New Jersey have an amendment; and I understood that the Senator from Oregon and the Senator from New York had an amendment. But I am not sure.

Mr. DIRKSEN. Mr. President, I am thinking in terms of Senators who have commitments out of town, and who may have to leave the Senate by 6 o'clock today, or even before then. I was going to suggest to the majority leader that he propose the allowance of 30 minutes on each amendment—15 minutes to each side—and then 1 hour on the bill—which probably would be ample time, and still would make it possible for Senators who have commitments out of town—and by that, I mean committee meetings out of town, such as the meeting of the Subcommittee on Banking, which is to hold a hearing in New York—to go to the out-of-town meetings, but to vote on the bill this evening, before they leave.

So I respectfully suggest that the agreement provide for 30 minutes, rather than 1 hour, on each amendment.

Mr. MANSFIELD. Mr. President, I modify the unanimous-consent request along the lines suggested by the distinguished minority leader. I include in the request that there shall be one-half hour on each amendment, 15 minutes to a side, and 1 hour on the bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. ALLOTT. Mr. President, reserving the right to object, I was engaged in a colloquy with the Senator from Florida [Mr. HOLLAND]. I should like to have the terms of the request repeated.

Mr. MANSFIELD. One-half an hour on each amendment, 15 minutes to a side, and 1 hour on the bill.

Mr. ALLOTT. Mr. President, I shall not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective immediately, during the further consideration of the bill S. 1703, Calendar No. 367, debate on any amendment, motion, or appeal, except a motion to lay on the table, shall be limited to one-half hour, to be equally divided and controlled by the mover of any such amendment or motion and the Senator from Florida [Mr. HOLLAND]: *Provided,* That in the event the Senator from Florida [Mr. HOLLAND] is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of the final passage of the said bill debate shall be limited to 1 hour, to be equally divided and controlled, respectively, by the majority and minority leaders: *Provided,* That the said leaders, or either of them, may, from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, motion, or appeal.

Mr. HOLLAND. To sum up:

First, as long as the need for supplemental labor continue, it must be met, and the Secretary of Labor has recommended a 1-year extension of Public Law 78 to accomplish that end.

Second, the Secretary of Labor has asked for authority to require employers to furnish domestic workers with housing, transportation, and insurance. Congress has previously rejected this request and the Secretary's testimony makes it clear that in reality this is a request for authority to require employers to pay domestic workers some indefinite amount above prevailing wage rates.

Third, Public Law 78 provides safeguards not present in Public Law 414. Failure to extend Public Law 78 will remove these safeguards.

Upon the basis of these facts, I believe the only reasonable conclusion that can be drawn is that Public Law 78, and the safeguards it provides for domestic workers, should be continued for the remaining year that a substantial volume of supplemental labor appears needed. It would be foolhardy, indeed, to do away with the safeguards provided by Public Law 78 and fall back on Public Law 414, simply because Public Law 78 does not contain every provision, wise or unwise, which someone might regard as an additional safeguard.

BRACEROS AND CROPS

Mr. ENGLE. Mr. President, I am convinced, as I think most people are, that the bracero program has to come to an end sooner or later. But I do not think we should try to accomplish this by jerking the rug out from under the California growers who have been dependent upon it. That is why I am going to vote for this bill (S. 1703) to extend Public Law 78 for 1 more year.

There are several reasons why I say that eventually the program must end. One is that I favor the employment of American farmworkers over Mexicans to plant, cultivate, and harvest our crops. Another reason is that I believe American agriculture should not become or remain dependent on any foreign labor supply—Mexican or otherwise.

The question is, as I see it, are we prepared to reach this objective this year? I very much doubt it. I am not yet convinced that we can adequately meet the demands for workers to promptly harvest such seasonal crops as lettuce, tomatoes, asparagus, melons, strawberries and the like when these perishable products are ready for harvest—if we are limited to the existing domestic farm labor supply.

Agriculture in California is taking positive steps to solve the labor supply problem. Let me tell you about what we call the Tulare experiment. In Tulare County, in the heart of the great San Joaquin Valley, the growers have banded together—about 1,200 of them, large and small—in an official association. The association has undertaken a four-point program: First, to train domestic farmworkers; second, reschedule the timing of farm operations—such as planting and harvesting—in order to spread out labor requirements as much as possible on a year-round basis; third, change crop patterns to help accomplish the same thing—that is, reduce the labor peaks of highly seasonal crops and thereby extend employment; and, fourth, coordinate these activities among association members in the interest of diversity and efficiency.

The Tulare experiment is a good example of local enterprise toward achieving the goals I mentioned earlier. It is evidence of our own voluntary attack on the problem. Obviously it takes time.

Incidentally, California is not the only State that uses braceros. According to the Department of Labor, 32 States utilize foreign agricultural workers from one source or another.

Furthermore, Mr. President, I hope no one thinks that California farmers employ only braceros. Last year during the peak month of September braceros totaled 73,000 out of a total hired work force of 258,000 on California farms. That was the peak. By December our bracero employment had dropped to about 14,000. The average employment of braceros in California during 1962 was about 32,000, which represents a steady decline for the sixth year in a row from the 1957 average of 52,000.

I am sure this trend will continue. But in order to adjust our overall farm labor supply in California and other States to the seasonal demands of our perishable crops, I think we need more time—1 year at least—to phase out the bracero program. The bill, S. 1703, would permit this by extending Public Law 78 to the end of calendar year 1964.

The Administration supports this legislation. The evidence of this is the letter from Secretary of Labor Wirtz printed on page 5 of the Senate committee report on the bill. I represent one of the States most directly concerned. I urge that the Senate accept the favorable recommendations of our Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. McCARTHY. Mr. President, I offer an amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment of the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. The Senator from Minnesota [Mr. McCARTHY] has proposed an amendment in the nature of a substitute in which it is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out "comparable to those offered to foreign workers" and inserting in lieu thereof ", including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers".

SEC. 2. Section 509 of such Act is amended by striking out "December 31, 1963" and inserting in lieu thereof "December 31, 1964".

SEC. 3. The Secretary of Labor shall, prior to December 31, 1964, take such action as he deems appropriate to insure the availability of domestic agricultural workers after such date in such numbers as may be necessary to continue to assist farmers of the United States in the production of agricultural commodities and products.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. The Senator from Minnesota has 15 minutes on his amendment. How much time does he yield himself?

Mr. McCARTHY. I yield myself 15 minutes from the time which I control on the bill.

The PRESIDING OFFICER. The Senator from Minnesota controls the time on the amendment, but not the time on the bill.

Mr. McCARTHY. The majority leader yielded the half hour which he controls to me. The majority leader is present. I thought that was established.

Mr. President, I ask unanimous consent that a correction be made following section 2 of the amendment. The language should read "Section 510" instead of "Section 509."

The PRESIDING OFFICER. Without objection, the correction will be made.

Mr. McCARTHY. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. McCARTHY. Mr. President, the amendment which I offered was offered on behalf of myself, the Senator from New Jersey [Mr. WILLIAMS], the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from South Dakota [Mr. McGOVERN], the Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. CLARK], and the Senator from Rhode Island [Mr. PELL].

Congress is being asked for the sixth time to extend a law which was enacted December 31, 1953, but over the years as a temporary measure in 1951. At that time it was presented and approved to meet an emergency shortage of agricultural workers resulting from the manpower demands of the Korean conflict. The act was then scheduled to end on

it has been extended again and again. It was extended to December 31, 1955, then to June 30, 1959, to June 30, 1961, to December 31, 1961, and to December 31, 1963. When the program was adopted in 1951 its merits were questioned by many. If there was any justification for it then, that justification has disappeared in this year of 1963. A great many changes have taken place—changes which affected the justification for the original act. For the past 12 years there have been changes in the composition of the labor force in the United States. There have been changes in the cost of living, changes in the wage rate in industry, and certainly great changes in methods of agricultural production in relation to the crops on which these workers are employed. But there has been little or no change in the status of the relative economic position of the most neglected and most underprivileged group in our economy—our domestic migratory farmworkers. The migratory farmworkers who come in from Mexico have had their condition improved; and I suppose that if one were to make any justification for the continuation of the program, it would rest in the fact that the principal vehicle we have had in the past 10 years for bringing about some improvement in the treatment of American migratory workers has been that we could argue that we ought to treat them at least as well as we treat the Mexicans who are brought in. But we have not been able to close the gap between the treatment of Mexican nationals who are brought in and that accorded American migrants. Mexican nationals are treated better than American migratory workers are treated. But in any case, using this program as a kind of standard, we have had some slight success in improving the conditions of American workers who are employed either on the same crops or in the same general areas.

In effect, we have had a situation in which the standards, such as they are, for American migratory farmworkers are standards which for the most part have been established in Mexico City. There has been a slight transfer—a kind of trickle-down, so to speak—of benefits and protection for American workers. That trickle-down has come from standards which have been insisted upon by the Mexican Government with respect to their nationals who are brought in to work on crops in the United States. Some improvement in migratory labor standards and practices has occurred. But on the whole their economic and social conditions remain one of the great problems faced by the Congress, if not the most serious.

Several factors contribute to the seriousness of the problem. But it is almost the unanimous conclusion of the various religious, civic, labor, and humanitarian groups which deal with American migrants and are concerned about the welfare of the migratory American citizens that Public Law 78, the one with which we deal today, has had an adverse effect upon the well-being of domestic workers and an adverse effect upon the efforts which have been made to improve those conditions. The law has prevented or greatly limited the economic and social progress which should have taken place, and which might have taken place in the past 12 years if the law had not been on the statute books.

I should like to review a few of the major considerations which lead my colleagues and me to the conclusion that the law should not be extended—and should not even be considered—without writing into the law additional specific amendments to protect the rights of domestic American workers.

First, the rate of unemployment in 1951 was one of the lowest in the history of the country. When Public Law 78 was enacted, and in the following 2 years, the rates were: in 1951, 3.3 percent; in 1952, 3.1 percent; and in 1953, 2.9 percent.

The national rate of unemployment has averaged more than 5.5 percent for the past 5 years. The rate among hired farmworkers is even higher. Estimates made by the Department of Agriculture are that unemployment and underemployment among the rural population at the present time is the equivalent of 4 million workers.

Last year several of the States in which Mexican nationals were employed were among the States which had the highest number of unemployed in the country.

In California 127,000 Mexican nationals were brought in and either contracted for or recontracted for in 1962. At the same time the estimated annual number of unemployed domestic workers in the State of California was 395,000.

Texas brought in 36,000 Mexican nationals, while at the same time Texas had 174,000 domestic workers listed as unemployed.

Twelve thousand Mexican nationals were contracted for in Arkansas, which had an average of 42,000 domestic workers unemployed at the same time.

This does not mean that all the unemployed have the skills or the stamina to perform the tasks which are performed by imported farm workers; but unless some steps are taken to insure that domestic workers will be offered terms comparable to those not only offered but also guaranteed to Mexican nationals, it will never be possible to determine how many domestic workers could be employed; or how many of those who are unemployed in Detroit would respond to the demand for workers to pick cucumbers or cherries or other fruit and vegetable crops if the conditions of work were at least comparable to those offered to Mexican nationals; and, beyond that, if the conditions and terms were reasonably comparable to the terms and conditions offered to industrial workers in a city of that State.

There is no reason—unless we wish to commit agriculture generally and agricultural workers in particular to a kind of second-, third-, or fourth-class economic citizenship—why we should not be concerned to see to it that such workers receive comparable wages and have working conditions comparable to those provided Mexican nationals brought in to work in the fields, and also wages and conditions comparable to those under which American citizens work in the factories and offices of this land.

Studies, inquiries, and experience indicate clearly that citizens with agricultural skills have left the agricultural work force or are unemployed. They might well be available if the terms of employment were favorable.

The number of hired farmworkers in 1962 averaged 4 percent less in 1961. The number of family farmworkers was down by 3 percent. The Department of Labor projections show that employment in agriculture will decline 22 percent, according to their best estimate, in the decade of the 1960's.

Agriculture is the only major occupational group in the U.S. labor force which is expected to decline in total numbers between 1960 and 1970.

I ask unanimous consent that a table showing this projection be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I.—*Employment by major occupational group, 1960–75*

Major occupational group	Actual, 1960		Projected, 1970		Projected, 1975		Percent change		
	Number (in millions)	Percent	Number (in millions)	Percent	Number (in millions)	Percent	1960–75	1970–75	1960–75
Total	66.7	100.0	80.5	100.0	87.6	100.0	21	9	31
Professional, technical, and kindred workers	7.5	11.2	10.7	13.3	12.4	14.2	43	16	65
Managers, officials, and proprietors, except farm	7.1	10.6	8.6	10.7	9.4	10.7	21	9	32
Clerical and kindred workers	9.8	14.7	12.8	15.9	14.2	16.2	31	11	45
Sales workers	4.4	6.6	5.4	6.7	5.9	6.7	23	9	34
Craftsmen, foremen, and kindred workers	8.6	12.8	10.3	12.8	11.2	12.8	20	9	30
Operatives and kindred workers	12.0	18.0	13.6	16.9	14.2	16.3	13	4	18
Service workers	8.3	12.5	11.1	13.8	12.5	14.3	34	13	51
Laborers, except farm and mine	3.7	5.5	3.7	4.6	3.7	4.3			
Farmers, farm managers, laborers, and foremen	5.4	8.1	4.2	5.3	3.9	4.5	−22	−7	−28

Source: "Manpower Report of the President and A Report on Manpower Requirements, Resources, Utilization, and Training" by the U.S. Department of Labor, transmitted to the Congress March 1963, p. 100.

Mr. McCARTHY. Mr. President, all the evidence shows that the real need for farm and rural people is for more employment opportunities, rather than continued importation of foreign workers as provided in the bill now before the Senate. The time to discourage and stop this movement of unnecessary workers into the U.S. agricultural economy is now.

A second factor which relates to the distress of American migratory workers is that of low wages. In part this is related to the importation of Mexican nationals and in part is a reflection of conditions in the agricultural economy which are deserving of attention, whether we are to have this program or not.

The great need among American farm workers and migratory farm workers is for sufficient income to enable them to improve their conditions of life and secure a standard of living comparable to that enjoyed by other Americans.

During the past 5 years the number of Mexican nationals brought into this Nation on an annual basis has been as follows: In 1958, 432,857; 1959, 437,643; 1960, 315,846; 1961, 291,420; and 1962, 194,978.

This large number of imported workers competes in respect to the hiring of the agricultural workers in the United States, which last year totaled on an average basis only 1,817,000 persons. In other words, even in 1962, a year in which fewer than 200,000 migrant workers were brought in from Mexico, those workers constituted approximately 10 percent of the hired agricultural labor force of the United States and, of course, a larger percentage of the migratory farm labor force.

I think it is quite clear that a 10 percent increase in importation of agricultural workers constitutes serious competition, both with those who are in the agricultural work force or with those who might be inclined to go into it. This has prevented the normal wage adjustments which could be expected to operate under the law of supply and demand.

The Senator from Wisconsin [Mr. PROXMIRE] pointed out in his earlier remarks that this injects a force which interferes with proper and genuine competition, which would be reflected in higher wages to be paid to those workers. As a result, the wages of migratory farmworkers have been depressed.

The wages earned by male migratory workers in America in 1961 were less than their average wages in 1952, when the Mexican farm labor program began. In a period of approximately 10 years male migratory farmworkers in America are now receiving lower wages than they received in 1952, when the Mexican farm labor program began.

In 1952 migratory workers averaged $7.35 a day. By 1960 the daily wage was down to $6.85. In 1961 it was $6.70 a day—or 65 cents a day less than in 1952, when the Mexican farm labor program was started.

Annual income, including wages for both farm and nonfarm work, in 1952 was $1,101, according to the Departments' estimate, and in 1961 was $1,039, a loss after 10 years of the Mexican farm labor program—and 10 years of generally rising economy in the United States of America—of $62 a year.

Mr. President, I ask unanimous consent that a table from the Agricultural Economic Report No. 36 of the U.S. Department of Agriculture, dealing with the hired farm working force, may be printed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE II.—*Average days worked and wages earned at farm and nonfarm wage work by persons who did 25 days or more of farm wage work, by migratory status and sex of worker, selected years, 1949–61*

Year, migratory status, and sex	Farm and nonfarm			Farm			Nonfarm		
	Days worked	Wages earned		Days worked	Wages earned		Days worked	Wages earned	
		Per year	Per day worked [1]		Per year	Per day worked [1]		Per year	Per day worked [1]
	Number	*Dollars*	*Dollars*	*Number*	*Dollars*	*Dollars*	*Number*	*Dollars*	*Dollars*
1949:									
Migratory	119	594	4.95	89	448	5.00	30	146	4.80
Male	135	739	5.50	98	549	5.60	37	190	5.20
Female	82	234	2.85	67	198	2.95	15	36	2.35
Nonmigratory	173	719	4.15	148	574	3.85	25	145	5.85
Male	190	818	4.30	165	655	3.95	25	163	6.65
Female	102	291	2.85	76	224	2.95	26	67	2.55
1952:									
Migratory	124	884	7.15	87	600	6.90	37	284	7.75
Male	144	1,101	7.60	99	731	7.35	45	370	8.15
Female	65	259	4.00	53	222	4.20	12	37	3.10
Nonmigratory	169	911	5.40	140	698	5.00	29	213	7.40
Male	195	1,074	5.50	161	815	5.05	34	259	7.70
Female	68	265	3.90	58	234	4.00	10	31	3.20
1954:									
Migratory	156	1,033	6.60	124	794	6.40	32	239	7.35
Male	166	1,160	6.95	135	899	6.65	31	261	8.30
Female	117	565	4.80	81	410	5.05	36	155	4.25
Nonmigratory	169	972	5.75	145	800	5.50	24	172	7.05
Male	187	1,119	5.95	161	919	5.70	26	200	7.60
Female	91	344	3.75	75	287	3.80	16	57	3.45
1956:									
Migratory	143	1,178	8.25	116	935	8.05	27	243	9.15
Male	157	1,369	8.70	126	1,069	8.50	31	300	9.55
Female	91	500	5.55	81	458	5.70	10	42	4.35
Nonmigratory	162	958	5.90	140	776	5.55	22	182	8.10
Male	189	1,188	6.30	163	958	5.90	26	230	8.95
Female	86	295	3.40	73	254	3.45	13	41	3.25
1957:									
Migratory	131	859	6.55	115	745	6.45	16	114	7.25
Male	148	1,045	7.05	129	900	7.00	19	145	7.55
Female	80	304	3.80	75	280	3.75	5	24	4.45
Nonmigratory	147	898	6.15	127	737	5.80	20	161	8.05
Male	168	1,095	6.50	145	895	6.15	23	200	8.70
Female	78	270	3.50	67	233	3.45	11	37	3.55
1959:									
Migratory	143	911	6.40	119	710	6.00	24	201	8.40
Male	156	1,025	6.60	128	782	6.10	28	243	8.70
Female	88	447	5.05	81	418	5.15	7	29	4.05
Nonmigratory	165	1,063	6.45	142	852	6.00	23	211	9.10
Male	188	1,278	6.80	162	1,019	6.30	26	259	9.95
Female	85	314	3.70	72	271	3.75	13	43	3.25
1960:									
Migratory	157	1,016	6.50	123	819	6.65	34	197	5.90
Male	174	1,170	6.70	138	949	6.85	36	221	6.10
Female	90	444	4.95	66	336	5.05	24	108	4.55
Nonmigratory	170	1,143	6.75	142	889	6.25	28	254	9.20
Male	190	1,339	7.05	160	1,040	6.50	30	299	10.05
Female	96	427	4.45	76	335	4.45	20	92	4.60
1961:									
Migratory	136	902	6.65	109	677	6.25	27	225	8.40
Male	144	1,039	7.20	115	774	6.70	29	265	9.20
Female	101	340	3.40	82	280	3.40	19	60	3.25
Nonmigratory	160	1,083	6.75	139	919	6.60	21	164	7.75
Male	183	1,306	7.15	160	1,112	6.95	23	194	8.60
Female	83	326	3.95	67	265	4.00	16	61	3.85

[1] Rounded to the nearest 5 cents.

Mr. McCARTHY. The average income of all migratory farmworkers in 1961, both male and female, was $902 from all employment.

These are economic facts which, in themselves, should be sufficient to justify the rejection of this program by the Senate. In addition to these considerations, there are certain social and community considerations—I suppose they might be called basically human and moral considerations—which ought to be taken into account.

The Mexican farm labor program has been opposed by nearly every religious and civic group which has shown any interest in it. I should like to quote from a few of the letters which I have received from these groups, opposing the passage of the bill.

Rev. Cameron P. Hall, executive director of the Department of the Church and Economic Life of the National Council of Churches of Christ, has pointed out the concern expressed by the general board of the National Council in 1960 when it adopted a resolution, which reads as follows:

> The importation program has injurious effects on the family and community life both of the Mexican nationals who are imported and of the domestic workers who, because of the presence of Mexican nationals, are deprived of employment or find it necessary to migrate in search of employment.

In his letter of July 29, 1963, Reverend Hall states:

> This resolution, adopted in February 1960, reflects the long experience of the National Council of Churches through its ministry to migrants. This led us to the conviction that the Mexican farmworker importation program, introduced as a wartime emergency measure and continued year after year long after the emergency had ceased, should be gradually eliminated during a specified phaseout period.
>
> Since that time the widespread introduction of mechanization has resulted in an automatic phaseout process in which the number of braceros brought into the country has decreased each year. This fact, together with the widespread and increasing unemployment among both farm and other workers in this country, has reenforced the conviction that the importation program should not be again extended.

Rev. Ralph J. Duggan writes for the Catholic Bishops Committee for Migrant Workers, a committee which includes Cardinal Meyer, of Chicago; Archbishop Lucey, of San Antonio, who is close to the problem of Mexican migrants; Archbishop Vehr, of Denver, Colo., a State where migrant workers are used in considerable numbers; Bishop Woznicki, of Saginaw, Mich., a State in which a large number of these workers are employed; and Bishop Schenk, of Duluth, Minn., who before that was located in Crookston, in the Red River Valley, in which Mexican migrants used to be employed but where now domestic migrant workers are employed in relatively large numbers. These are the men on the committee. They are men who are close to the problem. They are not writing from their libraries or theological seminaries. They are men who have had to deal with the day-by-day problems of migrants and persons who have been displaced because of the influx of migratory workers. This is the position of the committee on which these distinguished clergymen serve.

They say:

> Our committee is united with many other civic and religious groups, labor organizations, etc. that have fully studied and fought against Public Law 78.
>
> We urge your cooperation in bringing justice to American workers by holding the line against any further extension of this law.

The Congress has become increasingly critical of the Mexican farm labor program in recent years and at this session, the House has already refused, by a vote of 174–158, to approve a 2-year extension.

In 1961 I introduced a bill to extend the program for 2 years, but also to provide several safeguards for domestic workers. The Committee on Agriculture held hearings and reported a bill which included some of the amendments in my bill which would confine the work of. Mexican nationals to temporary or seasonal occupations and exclude them from work on power-driven machinery. The committee did not accept the major amendment in my bill, which would have required employers seeking Mexican nationals to pay 90 percent of the average farm wage of the State or the Nation, whichever is the lesser, but this amendment carried on the floor of the Senate. I think it was unfortunate that the conference committee eliminated this Senate amendment, since it would have provided a practical test of whether wages of domestics were adversely affected or not—a test to whether American workers were available to perform these tasks.

It is significant to note that Americans in other parts of the country were able to perform the very work which it is said Americans will not perform in areas which use large numbers of Mexican nationals.

In my State a considerable number of cucumbers are grown for pickles. These cucumbers are produced without employment of Mexican nationals. I do not understand why Americans in Minnesota should be willing to pick cucumbers, but on the other side of Lake Michigan, it should be considered un-American for Americans to pick cucumbers for pickles. In the State of Minnesota, Americans are willing to perform this kind of work. When I was there recently high school students were being used on special pieces of equipment to harvest cucumbers. There seemed to be no difficulty.

In my State of Minnesota there is a substantial acreage of sugarbeets. They are harvested with American labor. Why is American labor willing to perform this task in Minnesota, whereas it appears there are States where Americans cannot be obtained to work in the sugarbeets fields?

I assure any Senator whose State may have sugarbeet acreage, and who feels it is difficult to find workers to harvest the crop, that Minnesota will be glad to have 30,000 or 40,000 more acres devoted to sugarbeets and guarantee that they will be harvested by Minnesotans, if other States will yield their sugarbeet acreage to us.

The case is made for tomatoes. Apparently some Americans are willing to pick tomatoes. There is testimony that something like 64 percent of the tomatoes harvested in America are harvested by Americans. Why is it that we can have 64 percent of the tomatoes produced in America harvested by Americans, but, suddenly, 44 percent will not be touched by Americans?

I think these inconsistencies and contradictions should be explained away before we are asked to extend the legislation for another year.

The statement has been made that the program is for the benefit of hundreds of thousands of producers. I think we ought to set the record straight on this point. Mexican nationals are not employed by hundreds of thouasnds of growers. The total number, as the record shows, involves something like 33,000 growers, less than 1 percent of the farm operators in the Nation.

On the basis of the legislative history in the debate of 1961, the Secretary of Labor has held public hearings and made economic analyses regarding the adverse effect on the wages of domestic workers, and established a scale of wages as the minimum for which Mexican nationals could be hired. The rate varies from 60 cents per hour in Arkansas and 70 cents per hour in Texas to $1 per hour in California and several other States.

The products which are produced with labor which is paid 60 or 70 cents an hour, are thrown into the national market to compete with products produced by workers paid $1 or $1.50 an hour or more. We American ought to stop worrying so much about the European Common Market, and give some attention to developing a genuine common market in America.

The amendments adopted in 1961, along with mechanization in cotton, resulted in a decrease in the use of Mexican nationals in 1962 and some general improvement in the overall program.

If adequate hearings had been held in the Committee on Agriculture and Forestry, a number of questions might have been cleared up; an even more certain presentation might have been made today.

I ask unanimous consent that the table marked table III, which reports on the man months of Mexican labor by States from 1959 to 1962, be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE III.—*Man-months of Mexican labor, by State, 1959–62*

State	Man-months				Percent change, 1959–62
	1959	1960	1961	1962	
U.S. total	1,630,950	1,358,058	1,148,800	716,426	−56
Texas	733,724	569,177	496,702	188,409	−74
California	560,690	487,680	406,255	378,570	−32
Arizona	110,608	104,078	86,810	61,666	−44
Arkansas	84,689	78,436	52,988	18,664	−78
New Mexico	81,368	60,362	46,783	17,888	−78
Michigan	22,776	21,381	23,788	18,361	−19
Colorado	15,747	16,112	19,192	19,690	+25
Montana	3,257	3,376	3,122	2,644	−19
Nebraska	2,733	2,712	2,474	2,715	−1
Wyoming	1,816	1,852	2,423	2,010	+11
Georgia	1,812	1,806	1,454	0	−100
Wisconsin	1,496	1,531	1,340	1,327	−11
Utah	1,837	1,804	1,276	1,850	+1
Tennessee	2,474	2,283	1,060	330	−87
All others	4,945	4,013	1,835	2,302	−53

Source: Inseason farm labor reports, Bureau of Employment Security.

Mr. McCARTHY. The benefits of this program are restricted to a very few growers, as I indicated, and to a very few States.

In Texas, for example, the number of man-months of work by Mexican nationals was 492,702 in 1961. It was reduced to 188,409 in 1962. This is a reduction of more than 300,000 man-months.

Yet the economy of Texas did not collapse, and Texans continued to produce and market such products without the use of the great number of Mexican nationals who had formerly been brought in. In Arkansas, the figure was 52,988 in 1961, and 18,664 in 1962. In New Mexico, it went down from 46,783 man-months in 1961 to 17,888 in 1962.

The Senate committee held no hearings this year on the extension of this program, but it does not appear that this major reduction in the use of Mexican nationals brought serious economic consequences to growers. I suggest that on the basis of the general statistics, which show a reduction of 300,000 in Texas between 1961 and 1962, a reduction from 188,000 to zero, which would be a significantly smaller reduction, might very well be absorbed by the economy of this State, and would not be reflected in any serious disturbance in the economy of the United States.

The record indicates that the program adopted last year resulted in the employment of more domestic workers who are willing to work because of the somewhat better terms required by the amendments we enacted in 1961 and because of the interpretation of the intent of Congress by the Department of Labor I believe we are required this year to provide even further safeguards for our citizens if this program is to be extended even for a year.

Mr. John F. Henning, Under Secretary of Labor, recently stated the position of the Department of Labor about the need for additional protection for domestic workers. I ask unanimous consent that his statement, made on July 30, be printed in the RECORD at this point in my remarks.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

This situation exists basically because of the limited authority vested in the Department of Labor under Public Law 78. The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to require, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers. It is for this reason that we would oppose any further extension of Public Law 78 without amendments which would bring the required job offers made to Mexicans and to domestic workers to an approximate level.

Mr. McCARTHY. The amendment which we are proposing today includes the recommendations which the Labor Department has set as a minimum for even a 1-year extension; that is, that before employers can be certified as eligible for Mexican nationals under Public Law 78, they must offer domestic workers, first, occupational insurance or workmen's compensation coverage; second, housing; and third, transportation comparable to that required to be furnished to Mexican nationals under the international agreement. In this case we are asking only that Americans be given treatment comparable with that given Mexican nationals who have been brought into the country under this agreement.

In this case, the Americans will be used on the same crops, under the same conditions. Consequently, the argument that their employment is entirely different is an argument against the facts. They will be used in the same areas and on the same crops under the same conditions. It seems to me that we should be resourceful enough and wise enough to develop procedures and practices under which American migrants can receive treatment comparable with that given Mexican nationals. In addition, our amendment provides for another benefit, that of offering "work period guarantees" comparable to those now provided to Mexican nationals who are brought into the country under the present program.

In my judgment, this is a moderate and reasonable amendment. It would not require employers to offer all the benefits now guaranteed Mexican nationals, but only those which are essential to an effective effort to recruit domestic workers. The Mexican nationals would continue to receive better treatment than that accorded American migrants.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCARTHY. I yield myself 5 additional minutes.

The Mexican nationals would still have protection and advantages over and above those required to be offered to American citizens before the growers can be certified to import Mexican nationals. These benefits include the right of the Mexicans to have their own organizations to bargain collectively, and the requirement that the spokesmen for this group be recognized by the employers.

Mexican nationals must be provided with nonoccupational accident and health insurance. We do not propose to require that with regard to domestic migrants. The employers are required to furnish tools and equipment to Mexican nationals. They would not be required to do so for American migrants. They are also required to furnish potable drinking water. We do not require that the American migrants be furnished decent drinking water, unless local sanitation laws require it. The employer must also undertake to give Mexican nationals some protection from immoral influence, and to provide the Mexican worker with meals at cost, and not to exceed $1.75 for three meals a day. All of these are additional benefits—and there are more—which are required to be provided for Mexican nationals, but which we do not require to be furnished to the American migrant in our amendment.

The sponsors of the amendment merely wish to provide that American migrants be offered benefits for housing, transportation, workmen's compensation, and work period guarantees comparable to those offered Mexican nationals.

These proposals are not new. They have been recommended before. The amendment is similar to the one offered by the distinguished Senator from New York [Mr. KEATING] in 1961. It incorporates the recommendations made as far back as 1959 by the Special Committee of Consultants, appointed by Secretary of Labor Mitchell, who, it will be remembered, was Secretary of Labor in the Eisenhower administration. The recommendations were supported by a distinguished panel of consultants, including former Senator Thye of Minnesota; Dr. Rufus von Kleinsmid, chancellor of the University of Southern California; Glenn E. Garrett, chairman of the Texas Council of Migrant Labor; and Msgr. George Higgins, director of the Social Action Department of the National Catholic Welfare Conference.

They stated in 1959 that Public Law 78 has an adverse effect and that their support for a temporary renewal was conditioned on substantial amendments.

I ask unanimous consent that a part of their statement be incorporated at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The law should direct the Secretary of Labor not to certify as to the unavailability of domestic labor unless (a) employers have undertaken positive and direct recruitment efforts in addition to the efforts of the public employment offices. Such efforts should be made sufficiently in advance of the need. They might include, but not be restricted to, publicizing needs, participation in day hauls, providing adequate housing and transportation; (b) employment conditions offered are equivalent to those provided by other employers in the area who successfully recruit and retain domestic workers; (c) domestic workers are provided benefits which are equivalent to those given Mexican nationals; i.e., transportation, housing, insurance, subsistence, employment guarantees, etc.; (d) employers of Mexican nationals offer and pay domestic workers in their employment, no less than the wage rate paid to Mexican labor.

Mr. McCARTHY. Our amendment does not make excessive demands, nor does it involve any new or untested procedure. The Department of Labor and employer associations have had long experience with recruitment under these conditions. They have dealt with hundreds of thousands of Mexican nationals over the past 12 years.

In his statement regarding the Department's recommendations for comparable housing, transportation, and occupational insurance, Secretary of Labor Wirtz made a statement which I ask to have printed in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

None of its provisions would require employers to incur any greater expense in obtaining domestic workers than they are now assuming in obtaining and utilizing Mexican workers. The costs of obtaining domestic workers under this proposal would be substantially less than the costs of obtaining Mexican workers.

Mr. McCARTHY. I believe we must have confidence in the Department to administer this act fairly, as has been done for many years in contracting Mexican nationals.

The question of comparable benefits was discussed by Secretary Goldberg in his testimony before the Senate committee in 1961. He stated:

For example, take the housing situation. The Mexican laborer coming to the United States comes up himself; he doesn't bring his family. We wouldn't want this to happen to us; we want a man to live with his family as much as possible, and not leave his family stranded somewhere, usually on relief. The impulse to move his family is an impulse to support his family with dignity. So it would be unfair to the growers to insist that they provide housing for a family when they only provide housing for a single worker under the system which operates under the Mexican labor program.

But we can do this. We have reliable statistics which demonstrate what the cost of providing that single housing is and we can give the domestic worker the financial equivalent of that cost so he can apply it toward the housing of his family.

Mr. President, I ask unanimous consent that additional remarks by Secretary Goldberg before the Subcommittee on Agricultural Research and General Legislation, in 1961, be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

Take the transportation allowance. Today in most instances, as I pointed out, the domestic worker must pay for his own transportation.

Now, we could allow the domestic worker the same transportation allowance which now is being paid by employers to bring in Mexican labor.

Now, I read the record—you can take some horrible examples—and I found the statement made, "Well, this means that the Secretary will require that a grower who will want labor will recruit it in North Carolina and have to pay the expenses of bringing labor from North Carolina up to the State of Washington."

This is the case, the horrible example.

Well, in the first place, that is an extremely unlikely occurrence, as you, Senator, can testify beter than anybody, your workers are not going to uproot themselves from your fine State and go wandering all the way across the face of the Nation.

However, it is very interesting that when our farmers, when some of these growers wanted Mexican labor, they sent them across the face of the Nation and paid for them.

Our figures show that transportation allowances were paid for Mexican labor at that and even greater distances.

But if we get this amendment, as I hope we will, I can say to you quite categorically that we are going to administer it in the spirit of reasonableness, that we are going to issue regulations—and this is a firm commitment in this record—that will assimilate the cost on a sensible basis comparable to what is being paid by employers for Mexican labor. And here, too, that is a statistical matter, and we can easily work out how this is to be done.

Now, I have also seen the objection raised that there are safeguards in the Mexican labor program to see to it that if a worker does not fulfill his commitment, the transportation allowance is refunded to the employer. There is no reason why we cannot work out arrangements which we have worked out by voluntary agreement in our annual workers plan whereby our employment services—our Federal Employment Service, together with our State employment services—now recruit people and send them considerable distances. And we work out arrangements, under those plans, to protect the employer by reserving the transportation allowance and providing if there is a breach that it is deductible from the amount of compensation which is available to the worker. And this is not hard to do. And I would be perfectly willing to work out our regulations so that we can take care of this particular problem.

Mr. McCARTHY. Mr. President, this amendment does not require anything of any farmer in the Nation. It does not impose anything. All it does is to provide that if an American grower wants to import foreign workers, then he must make an effort—not an equal effort, but a comparable effort in certain specific areas such as transportation—to provide domestic workers with some of the guarantees that he now provides Mexican nationals.

I believe the amendment should be adopted.

Mr. President, I reserve the remainder of my time.

Mr. HOLLAND. Mr. President, I yield 2 minutes to the distinguished Senator from Texas [Mr. TOWER].

Mr. TOWER. Mr. President, the distinguished Senator from Minnesota has offered an amendment, section 3 of which is, for the most part, redundant. Already, the Secretary of Labor has authority to certify that no domestic migratory labor—or any kind of domestic labor—is available for any specific job in which braceros may be employed.

Section 3, as it has been framed by the Senator from Minnesota, provides that the Secretary may take the initiative to bring domestic labor into an area. But by that time much of the crop may have perished in the fields.

The provisions relating to workmen's compensation, housing, transportation, and the like, are covered in S. 527, which is at present pending before the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare. The subcommittee is still holding hearings on this issue. It is a highly controversial issue, one in which there is great interest on the part of growers, farmers, farm organizations, and labor organizations. I think we should wait until all the hearings have been completed and all the testimony taken and we have had an opportunity to weigh these issues carefully before we legislate.

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. HOLLAND. Mr. President, I yield the Senator from Texas 1 more minute.

Mr. TOWER. Mr. President, I suggest that we not act on matters of this sort now, but wait until S. 527 is reported. It is a more comprehensive bill than the one which is now before the Senate. Let us wait until we have completed our deliberations, instead of acting hastily now.

Mr. ALLOTT. Mr. President, will the Senator from Florida yield 2 minutes to me on the amendment?

Mr. HOLLAND. I shall gladly do so, but I was preparing to yield, first, to the chairman of the full committee.

Mr. ALLOTT. I am happy to defer to the chairman of the full committee.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER].

Mr. ELLENDER. Mr. President, I oppose the amendment. If adopted, it will kill the bill. The same forces that have been opposed to this legislation from its inception are now at work.

The Mexican farm labor program was designed to provide an orderly means of supplying needed supplemental agricultural labor without adversely affecting domestic farmworkers. If Public Law 78 is not extended, Mexican farmworkers will be free to come in as nonquota immigrants, or as nonimmigrants, under the Immigration and Naturalization Act; but some of the safeguards of Public Law 78 will have been lost.

Prior to its enactment, Mexican farmworkers came in under the general immi-

gration laws pursuant to an agreement with Mexico. The employers did their own recruiting, and in order to keep expenses down, they recruited at the border if they could. The Mexicans were anxious for the work and traveled many miles in any way they could from the interior to the border. When they arrived at the border they frequently were far from home, had few resources with them, and were willing to take any job that was offered. If nobody hired them, they faced a long trip back emptyhanded, or the economic pressure to cross the border illegally. In the fiscal year ended June 30, 1951, just prior to passage of Public Law 78, 115,742 entered this country legally, and 500,628 were located in an illegal status. As might be expected, this created serious problems on both sides of the border. The Mexican border towns were filled with those coming to look for work. The Immigration and Naturalization Service was busy rounding up and returning those who crossed illegally. Welfare agencies in this country had to help those who turned up stranded. Those who came in legally frequently neglected to advise the Immigration and Naturalization Service of their return to Mexico, and employers had their troubles with departure bond forfeitures.

Those who entered illegally had no protection. They faced deportation if found, and were forced to work for anything they could get; no matter what the adverse effect on domestic workers, or the grief they brought to our Spanish-speaking citizens who might be confused with them.

Because of these difficulties, representatives of this country and Mexico met in a conference beginning January 26, 1951. I was an adviser to the U.S. delegation at that conference. Mexico gave notice that it was terminating the 1949 agreement; and it was suggested that private recruitment be replaced by recruitment by an agency of the United States which could guarantee compliance with individual work contracts. I introduced S. 984, which was enacted as Public Law 78, to authorize such recruitment.

Congress has reviewed and extended the program from time to time. The purpose of the program has always been to provide supplemental unskilled labor to perform work for which Americans were not available. In 1961, to assure that the program would be restricted to that purpose, Congress made several changes in the law. It prohibited employment of workers recruited under the act in other than temporary or seasonal occupations, or to operate or maintain certain power-driven machinery, except in certain cases when necessary to prevent undue hardship. It amended the definition of agricultural employment to eliminate use of workers recruited under the act for certain work which had previously been regarded as agricultural. It required employers to furnish the same working conditions to domestic and Mexican workers. It considered and rejected, however, proposals by the Department of Labor which would have set requirements for housing, transportation, and insurance for domestic workers.

The amendment proposed by the Senator from Minnesota would require employers, as a condition of obtaining Mexican workers, to offer domestic workers occupational insurance, housing, transportation; and work guarantees comparable to those required to be furnished Mexican workers. It would also give the Secretary of Labor carte blanche to take any action he deemed necessary to insure the availability of domestic workers. This would undoubtedly include all the authority provided by S. 527, a bill which has not been reported from the Senate Committee on Labor and Public welfare, as well as authority for many other actions provided for by existing bills and bills which no one has yet thought of.

As I said, Congress considered this proposal thoroughly in 1961 and rejected it in favor of alternative proposals, which the Secretary of Labor admits have been reasonably successful.

The wisdom of Congress in adopting the 1961 amendments, which the Secretary has deemed reasonably successful, is clear.

The Mexican workers brought in under the program are all single males. As the Secretary pointed out in the House hearings, the housing required to be furnished them under the Standard Work Contract is of the barracks type. The domestic worker may be a local boy or girl, a college student, or a migrant, who may desire work for a day or a week or a year, or may move with the crop. The domestic worker may live on an adjoining farm, or a nearby town, or may move his trailer with him. He may have his wife and children with him, or he may be alone. The barracks-type housing is obviously unsuitable for many of these domestic workers.

What then is comparable housing? Could comparable housing be constructed before the program ends when the extension is for only 1 year?

The Mexican worker enters the country to do agricultural work pursuant to a standard work contract. He cannot freely change employers or jobs and stay in this country. He can be transported with other workers in the farmer's own transportation or by contract carriers. But, the important point is that he must remain in the employ of the farmer furnishing the transportation or he is sent back into Mexico.

With the domestic worker, however, there is no compulsion whatever that he remain in the employ of one person, notwithstanding the fact that a particular employer may have spent considerable funds in providing housing or transportation. The domestic worker may change jobs from day to day if he wishes. He may walk off the job at any time.

Therefore, the farmer has no assurance that any expenditure will result in a steadily employed worker. Quite the contrary, he may have made these expenditures in vain.

Occupational hazard insurance is a matter that properly falls within the jurisdiction of the States and varies from State to State. The fact that Mexico has required it for its citizens, who are far from home in a foreign land, does not mean that the policies adopted by the individual States with respect to domestic workers are unwise and should be superseded by superior Federal judgment.

While the amendment provides for housing, transportation, and insurance, and I have, therefore, discussed those subjects, I would like to make it clear that what is really concerned here is an equivalent allowance in cash.

I would like to insert in the RECORD at this point, and I ask unanimous consent therefor, an outline furnished by the Department of Labor dated March 22, 1963, showing that free housing is currently furnished to most migrant workers throughout the country, particularly single migrants.

There being no objection, the outline was ordered to be printed in the RECORD, as follows:

INFORMATION OBTAINED FROM REGIONAL OFFICES ON EXTENT OF FREE HOUSING PROVISIONS FOR MIGRANTS, MARCH 22, 1963

I. Boston: In all States in this region free housing is provided to all migrants (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.)

II. New York:
(a) New Jersey, 95 percent.
(b) New York, 85 to 90 percent.

III. Chambersburg:
(a) Virginia, 80 percent.
(b) West Virginia, 85 to 90 percent.
(c) North Carolina, 90 percent.
(d) Delaware, 100 percent.
(e) Pennsylvania, 90 percent.
(f) Maryland, 90 percent.

IV. Atlanta:
(a) Alabama, all housing free.
(b) Tennessee, all housing free.
(c) Georgia, all housing free.
(d) South Carolina, 50 percent received free housing. The remainder paid 50 cents per person per week.
(e) Florida, 80 percent free housing.

V. Cleveland: All States (Kentucky, Michigan, and Ohio), 95 percent.

VI. Chicago: All States (Illinois, Indiana, Minnesota, and Wisconsin), 100 percent.

VII. Kansas City: Free housing is given to all workers in all States (Iowa, Kansas, Missouri, Nebraska, North Dakota, and South Dakota).

VIII. Dallas: In all States in this region free housing is provided to all migrants (Arkansas, Louisiana, Oklahoma, and Texas).

IX: Denver:
(a) Colorado, 94 percent.
(b) Montana, 95 percent.
(c) New Mexico, 100 percent.
(d) Wyoming, 100 percent.
(e) Utah, 85 percent.

X. San Francisco:
(a) Arizona:
1. Singles, 95 to 100 percent.
2. Families, free housing limited.
(b) California:
1. Singles, 95 to 100 percent.
2. Families, 5 to 10 percent.
(c) Nevada, 95 to 100 percent.

XI. Seattle:
(a) Washington, 70 percent.
(b) Oregon, 75 percent.
(c) Idaho, 40 percent.

Mr. ELLENDER. Mr. President, for instance, in California and Arizona, the Department advises that 95 to 100 percent of the single migrants are provided with free housing, while in Texas and Arkansas all migrants are furnished free housing. In discussing this outline, I would like to emphasize that this outline relates to migrant workers. It does not refer to local workers who may live across the road or on the adjoining farm.

The amendment, on the other hand, requires that housing be furnished to the worker who permanently resides across the road. The Secretary of Labor at page 5 of the House hearings; the Administrator of the Bureau of Employment Security at page 12 of the House hearings; and the Under Secretary of Labor at page 6 of the Senate Labor Subcommittee hearings tell us what the real purposes of the amendment is. They each state that under it the employer could be required to pay an equivalent amount in lieu of the housing which they recognize would often be entirely inappropriate. This amendment, then, provides for the payment of an indefinite cash allowance, and has the effect either of dividing the wage into two parts or of providing compensation in excess of the prevailing wage. This brings us to this question: The agreement with Mexico provides that the Mexicans must be paid not less than the prevailing rate. What happens to the prevailing rate if a housing allowance is provided separately, instead of being included in the prevailing rate as at present? Does this provide for continuous automatic escalation of wage rates? Nothing, except confusion, is accomplished by dividing the amount paid a worker into two parts, and calling one part a housing allowance.

The amendment has the same purpose, insofar as transportation is concerned. While the amendment would require the employer to furnish transportation comparable to that furnished the Mexicans, the Secretary of Labor, in his letter to the President of the Senate, set out in the committee report, says that it would require the furnishing of transportation expenses comparable to those required to be furnished the Mexican workers. It is not tied to the actual and necessary expenses of the domestic employee, but to those required to bring a Mexican from the border. Once again the domestic employee may have lived all his life on an adjoining farm, and this amendment is intended to divide his wage into two or more parts, one of which would be a transportation allowance.

The regulations already provide for housing and transportation for domestic workers who must be brought from a distance. I ask unanimous consent to insert at this point in the RECORD Employment Service program letter No. 892, dated June 6, 1958, setting out Department of Labor policies.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
BUREAU OF EMPLOYMENT SECURITY,
Washington, D.C., June 6, 1958.

To: All State employment security agencies.
Subject: Statement of policies applicable to agricultural labor program.

The increase in unemployment during recent months and the accumulated experience in operation of foreign labor programs have emphasized the need for revising policies, programs, and procedures in order to intensify recruitment and to insure that the fullest possible utilization is made of domestic agricultural workers. To this end, the following revised policies, programs, and procedures should be placed in effect immediately. This letter supplements (1) general administration letter No. 412, April 2, 1958, agricultural manpower policy; (2) general administration letter No. 413, April 4, 1958, basic requirements for certification of foreign workers; and (3) Employment Service program letter No. 885, May 21, 1958, piece-work rates yielding to Mexican workers (employed under Public Law 78) average hourly earnings lower than 50 cents.

1. PREFERENCE IN EMPLOYMENT FOR DOMESTIC WORKERS

It is the policy of the Department of Labor that preference in employment be given to qualified domestic workers. A domestic unemployed worker or a domestic employed worker seeking a job at a higher skill or for higher wages shall have preference over foreign contract workers in employment for which he is qualified.

A domestic worker seeking a job for which foreign workers may be employed may not limit his availability to a specific place of employment but can specify the type of activity and general location in which he is seeking employment and for which he is qualified.

In the case of Mexican national workers, an employer who refuses to employ a domestic unemployed worker on a job for which he is qualified or to employ a domestic worker who is employed elsewhere and who is seeking a job for which he is qualified at a higher skill, or which should increase his earnings, will not be permitted to use Mexican national workers. Refusal would constitute a violation of section 503 of Public Law 78.

A local employment office or an association referring domestic workers to its members shall refer such workers to employment nearest their places of residence, unless it is determined by the workers to be to their advantage to accept employment elsewhere. In making referrals the local office or the association shall refer families or groups of workers to a single employer or employers in the immediate vicinity to permit the workers to utilize transportation facilities available to them.

2. RESPONSIBILITY OF ASSOCIATIONS TO PROVIDE CONTINUITY OF EMPLOYMENT TO DOMESTIC WORKERS

As a condition of eligibility to employ foreign workers, associations will be required to assume the responsibility for insuring the greatest possible continuity of suitable employment for the domestic workers employed by any of its members. (Associations at present are providing continuity of employment for the foreign workers and can reasonably be expected to provide the same continuity of employment to domestic workers.)

As a practical matter, the local employment office may prefer to obtain orders from, and to make direct referrals to, employers conveniently located to the local office and otherwise to participate in giving effect to the association plan. Such cooperation on the part of the local employment office, while highly desirable, does not relieve the association of its responsibility for providing continuity of employment for the domestic workers employed by its members.

3. ENFORCEMENT OF PREFERENCE AND CONTINUITY OF EMPLOYMENT POLICIES

The primary responsibility for carrying out the domestic worker preference policy and the continuity of employment policy as stated above has been given to State employment security agencies.

In the case of Mexican nationals, State agencies, short of actual termination of Mexican workers' contracts, shall take such steps as are necessary to give full force and effect to these policies. When employers fail to give preference in employment to domestic workers, either by the refusal to hire such workers or by failing to retain domestic workers while employing Mexican nationals, the State agencies through their local offices should require immediate corrective action by the employer.

Whenever it is brought to the attention of the Bureau's foreign labor service representatives that the State agency has been unable to resolve complaints that these policies have been violated, the foreign labor representative will take all steps necessary to obtain corrective action. To give full meaning to these policies for domestic workers, final resolution and corrective action must be achieved while the domestic workers are still available. Accordingly, such actions shall be given top priority by the foreign labor service representative.

4. DIFFERENCES IN USER AND NONUSER DOMESTIC WAGE RATES

If the wage rates paid by users or foreign labor are significantly (one or more customary intervals) lower than the rates paid by nonusers, this fact shall be considered as an indication of adverse effect.

In the case of Mexican contract workers, upon the completion of a wage survey an analysis will be made of the distribution of the wage rates of domestic workers paid by those who employ both domestics and Mexican contract workers (users) and those who employ domestic workers only (nonusers). In such cases, authorization to employ Mexicans at less than the rate prevailing among nonusers would require special review and determination that, in the particular circumstances, the nonuser wage is not a reasonable standard for evaluation of adverse effect.

5. SHIFTING OF METHODS OF MAKING WAGE PAYMENTS TO MEXICAN CONTRACT WORKERS

The standard work contract requires that Mexican workers be paid for employment in any activity in the manner traditionally paid for such activity. This precludes switching from piece rates to hourly rates, or vice versa, where the practice would result in a reduction of workers' earnings.

6. APPLICABLE WAGE RATES IN DOMINATED AREAS UNDER PUBLIC LAW 78

In areas or activities dominated by foreign workers, no valid prevailing wage finding can be made. In such cases the applicable wage rate for Mexican national workers will be based on the wage rates for similar work in the nearest nondominated area. Wherever practicable, nondominated areas selected will be within the State.

7. TRANSPORTATION OF DOMESTIC WORKERS

To give effect to the Department's policy of requiring all employers of foreign labor to extend every reasonable effort to recruit domestic workers, such employers will be required to conform to the practices of other employers in the area or in other areas under comparable conditions with respect to furnishing transportation for domestic migratory workers. This policy will apply also in areas where employers have not recruited domestic workers in areas of supply in recent years, because of the general shortages in the labor market.

8. HOUSING

It is the policy of the Department of Labor to require that new housing built by users of foreign workers provide facilities for domestic family groups, or be capable of conversion to such use.

It is the further policy of the Department to leave with farm employers responsibility for the housing arrangements, private or public, needed to permit their employment of available domestic workers.

Where such available housing is not adequate to house the domestic labor, Federal, and State officials will assist employers and communities in every way possible to meet their housing requirements. However, lack of such housing will not be accepted as a sufficient basis for failure to employ domestic workers, except for a temporary period pending completion of adequate housing arrangements.

9. INDIVIDUAL EMPLOYER CERTIFICATE

Each employer requesting foreign workers will be given a statement containing the U.S. Employment Service recruitment policies and the certification standards of the Secretary of Labor. The employer will be required to certify on form ES-366, "local office authorization to contract * * *" that he has informed himself of the present certification policies and standards and that he has, to the best of his knowledge, reasonably fulfilled all of these requirements. The local offices will affirm that the employer has met these standards.

10. STATE CERTIFICATION

The State agency will certify to the number of supplementary foreign workers required and that the employment of such foreign workers will not adversely effect wages or other working conditions for domestic workers similarly employed.

These policies should be initiated as soon as possible except in the case of 9 and 10 above which are contingent upon the issuance of Employment Security Manual materials.

Sincerely yours,

ROBERT C. GOODWIN,
Director.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. HOLLAND. Mr. President, I yield 2 additional minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I would like to read the policies dealing with transportation and housing of domestic workers which are items 7 and 8 on page 3.

7. TRANSPORTATION OF DOMESTIC WORKERS

To give effect to the Department's policy of requiring all employers of foreign labor to extend every reasonable effort to recruit domestic workers, such employers will be required to conform to the practices of other employers in the area or in other areas under comparable conditions with respect to furnishing transportation for domestic migratory workers. This policy will apply also in areas where employers have not recruited domestic workers in areas of supply in recent years, because of the general shortages in the labor market.

8. HOUSING

It is the policy of the Department of Labor to require that new housing built by users of foreign workers provide facilities for domestic family groups, or be capable of conversion to such use.

It is the further policy of the Department to leave with farm employers responsibility for the housing arrangements, private or public, needed to permit their employment of available domestic workers.

Where such available housing is not adequate to house the domestic labor, Federal and State officials will assist employers and communities in every way possible to meet their housing requirements. However, lack of such housing will not be accepted as a sufficient basis for failure to employ domestic workers, except for a temporary period pending completion of adequate housing arrangements.

Those policies are still in effect and have been in effect since 1958. They have also been embodied in regulations. Section 602.10(a) of title 20 of the Code of Federal Regulations provides for furnishing Mexicans only after the interstate clearance process of the Wagner-Peyser Act has been used to obtain all available domestic workers. That clearance process provides for housing and transportation for domestic workers as follows, and I read from 20 Code of Federal Regulations 602.9(d) and 602.9(e):

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that—

* * * * *

(d) The State agency has ascertained that housing and facilities (1) are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accommodate available domestic agricultural workers; and (4) conform to the requirements of the applicable State, county, or local housing and sanitary codes or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health, or safety of the workers. In making such determinations the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

(e) The State agency has ascertained that the employer has offered to provide or pay for transportation for domestic agricultural workers (1) at terms not less favorable to the workers than those prevailing among the domestic agricultural workers in the area of employment recruited from the area of supply; or (2) in the absence of such prevailing practice in the area of employment, at terms not less favorable to the workers than those which prevail among the domestic agricultural workers recruited by out-of-State employers who recruit domestic agricultural workers from the area of supply, as determined by the State agency in the State requested to supply the workers.

So we see that housing and transportation are now required to be offered to domestic workers who must be recruited from outside the area of employment before any Mexicans can be recruited. The difference between the existing regulations and the proposed amendment is that the proposed amendment would require housing and transportation allowances for those living in the area of employment, or who have other housing or transportation available to them. The amendment is not needed, does not purport to provide for what the Secretary of Labor says it would do, is indefinite in the extreme, would serve to distort the prevailing wage standard, and would lead to all sorts of confusion and trouble.

I hope that the amendment will be rejected.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, it is difficult to understand this amendment or the opposition to the bill, in view of the remarks of the Secretary of Labor on March 27, of this year, before the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture. On page 4 of the hearings, the Secretary said:

Faced with these indications of growing problems in our labor market, and in view of the dramatic changes taking place in the utilization of agricultural labor, including the Mexican worker, we are not prepared to project our judgment regarding the need for continuation of the Mexican labor program beyond a limited period.

A 1-year extension through December 31, 1964, which we are recommending—

Mr. President, I repeat the words "which we are recommending"—

in itself requires us to look forward 20 months into the future to forsee our needs in the face of a highly volatile employment situation. We think both the Congress and the administration should have the opportunity to reexamine the need for continuation of the program in the light of further and now unpredictable developments in the labor market situation.

I think another point needs to be answered; namely, that, as the distinguished Senator from Florida has so ably pointed out in his main presentation; it is completely impractical to apply to a man who is in this country as a single man, the same principles that are applied to migrant workers who travel not only with their wives, but, also many times with their children, and also with the grandparents, and sometimes with grandparents on both sides of the family.

If this proposal were made applicable, the entire law would become meaningless and unworkable.

Of course, I have no doubt that that is what the Senator from Minnesota had in mind when he offered this amendment.

I also wish to point out that the amendment provides, at line 8 "including workmen's compensation" and other benefits. The Secretary of Labor is now requiring these benefits for migrant workers, under self-anointed power, under the laws of this country, by refusing to allow farmers the right to use the Employment Services unless the farmers assure the Secretary that the living conditions of the migrant workers are up to certain standards.

So, Mr. President, on this basis, I believe the amendment should be rejected. It has no merit. No damage will be done by continuing this program for another year.

At another time I hope to discuss the damage which will be done if it is not continued.

I yield back the remainder of the time yielded to me by the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, how much time is available on the question of agreeing to the amendment?

The PRESIDING OFFICER (Mr. McGOVERN in the chair). Four mintues.

Mr. HOLLAND. I yield those 4 minutes to the distinguished Senator from Kentucky [Mr. COOPER]; and if he needs additional time, I shall yield him from the time available on the bill.

Mr. COOPER. Mr. President, I believe I shall need only 2 minutes.

As a member of the Committee on Agriculture and Forestry, I voted in favor of the extension of this program for 1 year.

I hope the program can be terminated, but the question before us is on agreeing to the pending amendment.

In the past I have voted against amendments of this type, and I will vote against this amendment. I do so for the basic reason that through this type of amendment the Department of Labor is attempting to attach to farm labor, minimum wages and other types of social measures. There are direct methods of considering such proposals—

legislation dealing with migrant labor which I have supported and any proposals for minimum wages should be addressed directly to the committee which has jurisdiction—the Committee on Labor and Public Welfare.

I have objected, and I still object, to these efforts of the Department of Labor; I have opposed its efforts to come through the back door to obtain minimum wage laws and other types of controls on farm labor.

I have supported minimum wages for industrial workers, but I do not think they are appropriate for farm labor at this time. The conditions under which farmers work are wholly different from the conditions under which industrial workers perform their work.

This amendment constitutes an attempt by the Department of Labor to get a foot in the door, toward the application of minimum wage provisions for farm labor. And I believe the amendment is intended by some as a step toward the eventual unionization of farm labor. I do not favor it.

Mr. President, I oppose the amendment.

Mr. McCARTHY. Mr. President, if the Senator from Kentucky has those fears, he should oppose the program, because those things are inherent in the Mexican labor program.

Mr. COOPER. I understand the amendment of the Senator from Minnesota and what it proposes. I say it is a step in the door, and I do not want to have this first step taken.

Mr. McCARTHY. My amendment is not the first step; this Mexican farm labor program is the first step.

The PRESIDING OFFICER. All time on the pending amendment has expired.

Mr. HOLLAND. Mr. President, the yeas and nays have been ordered on the question of agreeing to this amendment, have they not?

The PRESIDING OFFICER. That is correct.

Mr. HOLLAND. Mr. President, I ask unanimous consent at this time there may be a quorum call, to continue for a few minutes.

Mr. PROXMIRE. Mr. President, will the Senator from Florida withhold that request?

Mr. HOLLAND. Yes.

Mr. McCARTHY. Mr. President, most of the time I used was time on the bill, not time on the amendment.

The PRESIDING OFFICER. All time on the amendment has been used.

Mr. McCARTHY. But I yielded myself 15 minutes of the time available on the bill, and then yielded myself 5 minutes of the time available on my amendment.

The PRESIDING OFFICER. The Senator from Minnesota used 15 minutes of the time available on the amendment and 21 minutes of the time available on the bill.

Mr. McCARTHY. The Chair did not advise me when I had used 5 minutes on the amendment.

Mr. HOLLAND. Mr. President, I am glad to yield 1 minute on the bill to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 1 minute on the bill.

Mr. PROXMIRE. Mr. President, I thank the Senator from Florida for his kindness in yielding this time to me.

I shall be brief.

First, the amendment is supported by the Secretary of Labor; and Senators on both sides of this debate have been quoting him as the authority. He supports the McCarthy amendment. The Secretary of Agriculture—our outstanding authority in the well-being and welfare of the farmers—has made it clear to the Senate Labor Committee that he supports this amendment.

My other point is that certainly on the basis of the statement made by the President of the United States, we must realize that he supports the amendment, because when he signed the last extension of the law, he said:

> The adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact. We cannot afford to disregard it. We do not condone it. Therefore, I sign this bill with the assurance that the Secretary of Labor will, by every means at his disposal, use the authority vested in him under the law to prescribe the standards and to make the determinations essential for the protection of the wages and working conditions of domestic agricultural workers.

Mr. President, I say that is exactly what the Secretary of Labor is doing in recommending the adoption of the McCarthy amendment on which we are about to vote.

The PRESIDING OFFICER. The time yielded to the Senator from Wisconsin has expired.

The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. McCARTHY. Mr. President, I yield myself 1 minute from the time available on the bill.

The PRESIDING OFFICER. The Senator from Montana is in control of the time available on the the bill.

Mr. McCARTHY. Mr. President, I thought I had persuaded the previous Presiding Officer that the majority leader gave me control of that time.

Mr. HOLLAND. Mr. President, I see that the Senator from Montana is not in the Chamber at the moment; therefore, I am glad to yield 1 minute of the time on the bill to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. McCARTHY. Mr. President, the Senator from Texas has said my amendment is redundant, and that authority to do these things should not be provided.

The chairman of the committee said that if the amendment were adopted, it would kill the bill.

In my opinion, both of them cannot be correct.

Furthermore, in response to the statement of the chairman of the committee, who indicated that the program had had great effect in reducing the number of wetbacks who came into this country, I point out that statement does not square with the judgment of the former Commissioner of Immigration, Mr. Swing, who said the enforcement of the law was what discouraged them from coming in.

I note, by way of a circumstantial argument, that in 1954, the third year the program was in effect, over 1 million wetbacks were apprehended in violation of our immigration laws—the largest number by far in the last 12 years.

The PRESIDING OFFICER. The time yielded to the Senator from Minnesota has expired.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. Mr. President, I yield 1 minute to the Senator from New Jersey; but I hope no other Senator in opposition to the bill will request further time from the limited amount of time available to Senators who support the bill.

Mr. WILLIAMS of New Jersey. Mr. President, the generosity of the Senator from Florida is most appreciated. It has been said that domestic workers are not available in sufficient number for the work that must be done at harvest time. It has also been said that domestic workers will not work at what we call stoop labor. Studies show that 94 percent of the harvest of cotton in Texas and Arkansas is done by domestics. In some States the entire crop is picked by domestics. Other studies show that if conditions similar to the conditions stated in the amendment should prevail, significant numbers of additional American domestic workers would be available.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD some of the findings of two local employment surveys.

There being no objection, the findings were ordered to be printed in the RECORD, as follows:

STATEMENT ON QUESTIONNAIRE

The Labor Department is now making a survey of its local offices to determine how far our supply of domestic migratory labor could be increased if more favorable terms and conditions of employment were available. The first results of this survey, which are just now coming in, provide important factual support for the pending amendment.

From two farm labor service local offices in the bootheel area of Missouri—Sikeston, and Caruthersville—the following estimates were made. The estimates were based on assumed employment conditions very similar to those that would be provided by the pending amendment, including paid transportation, minimum standard housing, workmen's compensation, and a minimum amount of employment.

The Sikeston, Mo., local office, which serves a four-county area, and now recruits about 3,300 farmworkers for employment away from home, estimates that with better employment conditions an extra 700 workers would become available for work during the period June 15 to October 1. Of these additional workers—who represent about a 20-percent increase—about half would be single workers. The other half would be traveling as families, but generally the children and other nonworkers are left at home.

These additional workers, in the judgment of the Sikeston local office managers, would accept any type of work except pickle harvesting. About 90 percent of them would complete their employment contracts and

otherwise prove satisfactory to the employer. Half the workers, at least, would be willing to travel any distance to get work; the other half would be willing to go 500 to 600 miles.

As to wages, the local office manager pointed out, no workers would be willing to leave the area for less than 60 cents an hour. But if $1 an hour were available, almost all the workers would migrate even without free transportation.

These estimates were made with reference to a harvest period peaking in mid-September. During the winter, an unlimited number of workers could be recruited from the area.

Caruthersville, Mo., was the other farm labor service office from which results have been received. From this area there are now about 1,200 workers—40 crews of single work? ers—who already migrate annually. Under the improved employment conditions I have mentioned, an additional 400 to 600 workers could be recruited. All these would be single workers.

The additional workers—a 50 percent increase over the number now recruited—would be willing to travel any distance; and they would do any type of work except pickle harvesting. Three-quarters of these workers, it was thought, would complete their employment contracts and otherwise prove satisfactory to the employer. Most of them would migrate for wages as low as 60 cents an hour.

Mr. HOLLAND. Mr. President, I yield myself 2 minutes to make one point clear.

The Senator from New Jersey, who is dedicated to this cause—and I commend him for his general dedication—forgets that the proposed legislation exists principally not for the benefit of pickers of cotton, but for those who harvest the perishable crops. In my own State last year, where the same conditions as to recruiting of labor is required under the law applicable to us, one single strawberry grower lost several hundred thousand dollars due to the spoilage of strawberries in the field because he did not have sufficient labor and because the Department of Labor had not been sufficiently efficient in appraising the situation before that time. We are talking about perishable crops, about emergency conditions, and about the economic life of several hundred thousand people who are in business and who are affected equally, whether they employ braceros or not, because they draw from the same domestic labor pool that the employers of braceros have to exhaust before they can get braceros.

Mr. President, I hope that the amendment, as impractical and unreasonable as it is, will be rejected, and that the Senate may then proceed to the consideration of the bill.

Mr. KEATING. Mr. President, it is not necessary to go into the history of this legislation. We all know it was an emergency measure, enacted at a time when American boys were entering the armed services in large numbers. We also know that that emergency has long since passed, that the American boys have returned home and that they need the jobs which are presently filled by Mexican farm laborers.

In testimony before the Senate Migratory Labor Subcommittee yesterday, Under Secretary of Labor Henning pointed out that the present rate of unemployment in this country is 5.7 percent. He also told the committee that in 1962, 127,000 Mexican workers were hired in a State where 395,000 American workers were unemployed. In another State, 12,410 Mexicans were working while 42,000 American workers were idle. We can see from these figures, that the continuation of the Bracero program is not only unwarranted, but is actually detrimental to the welfare of the American worker.

Supporters of the bill contend that the Mexicans are needed to perform stoop labor which, they say, Americans are unwilling to undertake. We might well ask why Americans are unwilling to take these jobs under present conditions. Certainly, Mr. President, we as a nation, have never been known to shirk a job because it involved hard work. This country was not built by men and women who were afraid to labor in the fields and put in a full day's work. Perhaps these particular jobs are not attractive because in some parts of this country, farm laborers are paid wages as low as 54 cents an hour. I am happy to point out that in New York where no Mexicans are working in competition with America farm laborers, farm wages average $1.21 an hour, certainly not a high wage, but more generous than in many sections of the country.

Perhaps the reason for difficulty in hiring Americans is that they do not feel 54 cents an hour is a living wage. Perhaps we here in the Senate should draw an analogy between securing Mexican labor to work at these low wages and putting a band-aid on a cancer. Both methods merely cover up the problem ineffectively, while the real menace continues to rage unchecked. The real menace in the farm problem is the condition of the domestic farmworker. We must improve his lot first instead of trying to hide the problem behind the cover of cheap labor from abroad.

The amendment which we offer today is not new. Back in 1960, I introduced a similar amendment which was suggested by Secretary of Labor Mitchell. Senator McCARTHY and I spoke up with the same suggestion in 1961 when the bracero program was last extended. We were assured at that time that the program was just phasing out and that no further extensions would be proposed. And yet, here we are again—in spite of a resounding defeat of this bill in the House, in spite of the overwhelming opposition of organized labor and a host of religious and welfare organizations, in spite of the high unemployment figures reported by the Labor Department, and in spite of the strong opposition of the last two administrations—faced with still another extension of the program.

Mr. President, I want to go on record right now as opposing any further extension of this program unless American farmworkers are placed on equal footing with the Mexicans. Unless our citizens too can expect workmens' compensation or occupational insurance coverage, housing, transportation, and guaranteed work periods, I refuse to endorse any legislation which would continue to guarantee these benefits to foreign workers. Although the 1961 amendments made considerable progress in guaranteeing "comparable working conditions" to American workers, that phrase was not defined so as to include the items which our amendment would now cover.

The President of the United States has said:

> The adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact. We cannot afford to disregard it.

I call for bipartisan support of this amendment as a means of demonstrating that we in the Senate refuse to disregard the welfare of our own citizens and pledge ourselves to improve the working conditions and standards of living of America's forgotten man—the domestic migrant farmworker.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mr. MORSE], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. EDMONDSON] would vote "yea."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Mexico would vote "nay."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Michigan [Mr. HART] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from Michigan would vote "yea," and the Senator from Oregon would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

On this vote the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Mexico would vote "nay."

The result was announced—yeas 45, nays 45, as follows:

[No. 138 Leg.]

YEAS—45

Bartlett	Cannon	Fong
Beall	Case	Gore
Bible	Church	Gruening
Boggs	Clark	Hartke
Brewster	Dodd	Humphrey
Burdick	Douglas	Inouye

Jackson	McGovern	Pastore
Javits	McIntyre	Pell
Johnston	McNamara	Proxmire
Keating	Metcalf	Randolph
Kennedy	Monroney	Ribicoff
Magnuson	Moss	Smith
Mansfield	Muskie	Symington
McCarthy	Nelson	Williams, N.J.
McGee	Neuberger	Young, Ohio

NAYS—45

Aiken	Ervin	Mundt
Allott	Fulbright	Pearson
Anderson	Goldwater	Prouty
Bennett	Hayden	Robertson
Byrd, Va.	Hill	Russell
Byrd, W. Va.	Holland	Scott
Carlson	Hruska	Simpson
Cooper	Jordan, N.C.	Sparkman
Cotton	Jordan, Idaho	Stennis
Curtis	Kuchel	Talmadge
Dirksen	Lausche	Thurmond
Dominick	Long, La.	Tower
Eastland	McClellan	Williams, Del.
Ellender	Miller	Yarborough
Engle	Morton	Young, N. Dak.

NOT VOTING—9

Bayh	Hickenlooper	Morse
Edmondson	Long, Mo.	Saltonstall
Hart	Mechem	Smathers

So Mr. McCARTHY's amendment was rejected.

Mr. DIRKSEN. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. ALLOTT. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

Several Senators asked for the yeas and nays.

Mr. DIRKSEN. Mr. President, I withdraw the motion.

The PRESIDING OFFICER. The motion has been withdrawn.

The bill is open to further amendment.

Mr. McCARTHY. Mr. President——

Mr. HUMPHREY. Mr. President, has the motion to reconsider the vote been withdrawn?

The PRESIDING OFFICER. The motion to reconsider the vote has been withdrawn.

Mr. McCARTHY. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KEATING. Mr. President, I move to lay that motion on the table; and on that question I ask for the yeas and nays.

Mr. HOLLAND. Mr. President, a point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. The Senator from Minnesota is not in a position to make such a motion.

Mr. McCARTHY. Mr. President, I can object to the withdrawal of the motion.

Mr. KEATING. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. Mr. President, a point of order. The Senator from New York is not qualified to make such a motion.

The PRESIDING OFFICER. The Senator from New York is not entitled to make such a motion since he did not vote with the prevailing side.

Mr. DIRKSEN. Mr. President, I call for the regular order.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. JAVITS. When an amendment has failed by virtue of a tie vote, is not a Senator from either side—that is, a Senator who voted either "yea" or "nay"—entitled to move to reconsider the vote on the ground that the amendment failed because of the tie vote?

The PRESIDING OFFICER. Since the amendment did not carry, a Senator who voted "yea" did not vote with the prevailing side, and therefore cannot make a motion to reconsider.

Mr. DIRKSEN. I call for the regular order, Mr. President.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

Mr. McCARTHY. Mr. President——

The PRESIDING OFFICER. The junior Senator from Minnesota is recognized.

Mr. McCARTHY. Mr. President, since I could not have a motion to reconsider acted upon, I send to the desk another amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Minnesota will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and insert in lieu thereof the following:

That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out "comparable to those offered to foreign workers" and inserting in lieu thereof ", including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers".

SEC. 2. Section 509 of such Act is amended by striking out "December 31, 1963" and inserting in lieu thereof "December 31, 1964".

Mr. McCARTHY. Mr. President, I make the same modification which I made in connection with the previous amendment, that in section 2 the figure "509" be changed to "510." It is a purely technical modification.

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

How much time does the Senator from Minnesota yield to himself?

Mr. McCARTHY. Five minutes.

The amendment which I have just offered is the same as the amendment which was previously considered, with the exception of section 3, which instructed the Secretary of Labor, prior to December 31, 1964, to take such action as he deemed appropriate to insure the availability of domestic agricultural workers after such date in such numbers as might be necessary to continue to assist farmers of the United States in the production of agricultural commodities and products.

The only argument made against my measure that I thought had substance was that which made reference to the current consideration of the bill, S. 527, which has to do with the general problem of recruitment of migratory workers in the United States. Since it can be assumed that Senators who raised that point as an argument against action on my own proposal at this time are speaking in good faith, in the hope that S. 527 will be favorably considered by the committee and brought before the Senate for action, it is not necessary to act on section 3 of my amendment at this time.

The remainder of my amendment relates only to the question of competition of Mexican nationals imported into the United States with American farmworkers, either those who are currently farmworkers or those who might become farmworkers if decent conditions of employment were offered to them.

The issue now before the Senate is simple. It is whether or not we would like to have American migratory farmworkers, either actual or potential, offered conditions which approach the conditions which are insured and guaranteed to Mexicans by international agreements and which are sustained and supported by an act of Congress.

It is not proposed to have Americans treated as well as Mexicans are, but we would like to have the gap closed in respect to housing, transportation, and a few other benefits.

I have explained that the proposals which I make have all been recommended by the Department of Labor, and supported by the Department of Agriculture; they were recommended and supported by the former Secretary of Labor, Mr. Mitchell, under President Eisenhower; by the former Secretary of Labor Mr. Goldberg, when he testified on this general problem; and by the current Secretary of Labor, who spoke through the Under Secretary. They were supported also by the special consultants appointed by Secretary Mitchell, and were supported also by the religious groups which have given continuous attention to this problem.

As I said in my earlier statement, it is not a question of mere economics, though if we were to consider the economic question alone, we would have a case against it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. McCARTHY. I yield myself 1 additional minute.

The moral aspect of the program is of serious concern to religious groups, who testified or submitted their views. They testified that this program has had disrupting effect on the family life of the Mexicans who are brought into this country, and there was an indication that a substantial number of the men who came into this country under this program did not return to their families in Mexico.

That moral problem should be of more concern than the problem of whether we are to have cheap tomatoes or pickles. Moreover, the program has had a disrupting effect on American farmworkers.

I reserve the remainder of my time.

Mr. HOLLAND. Mr. President, I yield myself 3 minutes.

Mr. President, this amendment, if I understood it correctly—and I ask to be corrected if I am wrong—reads exactly like the first two sections of the amendment just voted on, but section 3 is stricken out.

Mr. McCARTHY. I did not hear the Senator.

Mr. HOLLAND. Is it not correct that the amendment proposed repeats sections 1 and 2 of the amendment just voted on, and strikes out section 3?

Mr. McCARTHY. Yes.

Mr. HOLLAND. I invite attention to the fact that section 3 is the one section of the original amendment that showed sympathy with the problems of the producers of perishable products from one end of the country to the other. That section read:

> The Secretary of Labor shall, prior to December 31, 1964, take such action as he deems appropriate to insure the availability of domestic agricultural workers after such date in such numbers as may be necessary to continue to assist farmers of the United States in the production of agricultural commodities and products.

I cannot conceive of an attitude so heartless that the only provision in the amendment previously voted on that directed the Secretary of Labor to try to keep in order the house of agricultural labor supply in this country in the year 1964 is now stricken from it and nothing is found in it but the amendment offered by the Secretary of Labor.

I am now told by counsel for the committee that there is one thing in the amendment offered which goes beyond what the Secretary of Labor requested, and that is the requirement that farmers must guarantee work periods comparable to those provided foreign workers.

That means that no small producer in the field of perishable commodities can possibly qualify to obtain one Mexican worker. As I see it, it is a completely inconsiderate addition even to what was requested by the Secretary of Labor, and that was inconsiderate enough, because it required producers of perishable crops from one end of the country to the other to advance transportation costs, for example, from the State of Missouri to Florida, for the worker and his family, without any assurance to the farmer that he could get 1 minute of work when the worker arrived.

That is not a reasonable, practical, or workable provision, and it does not fairly show considerations which I think every Senator would want when he knew the problems that beset the farmers from one end of the country to the other in the production of perishable crops. I do not think any Senator who understood them would vote for it.

Mr. McCARTHY. Mr. President, I yield myself 1 minute.

The language is not in addition to what has been offered. It imposes nothing which is not already imposed upon the growers with respect to Mexican migrants. It is already imposed upon the small grower who seeks Mexican nationals. All we ask is that before he qualifies to employ Mexican nationals he must give due regard to potential American migrant employees. It is wholly comparable with what is required in connection with his effort to obtain Mexican labor.

Mr. HOLLAND. Mr. President, I yield back the remainder of my time.

Mr. McCARTHY. Mr. President, I yield back the remainder of my time.

I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota [Mr. McCARTHY]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ANDERSON (when his name was called). On this vote I have a pair with the junior Senator from New Mexico. If he were present and voting he would vote "nay." If I were at liberty to vote I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from North Carolina [Mr. ERVIN], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], the Senator from Florida [Mr. SMATHERS], and the Senator from Ohio [Mr. YOUNG] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I further announce that, if present and voting, the Senator from Nevada [Mr. BIBLE], the Senator from Indiana [Mr. BAYH], the Senator from Michigan [Mr. HART], and the Senator from Oklahoma [Mr. EDMONDSON] would each vote "yea."

On this vote, the Senator from Ohio [Mr. YOUNG] is paired with the Senator from North Carolina [Mr. ERVIN]. If present and voting, the Senator from Ohio would vote "yea," and the Senator from North Carolina would vote "nay."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from Florida would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The pair of the Senator from New Mexico [Mr. MECHEM] has been previously announced.

The result was announced—yeas 44, nays 43, as follows:

[No. 139 Leg.]

YEAS—44

Bartlett	Humphrey	Monroney
Beall	Inouye	Moss
Boggs	Jackson	Muskie
Brewster	Javits	Nelson
Burdick	Johnston	Neuberger
Cannon	Keating	Pastore
Case	Kennedy	Pell
Church	Magnuson	Proxmire
Clark	Mansfield	Randolph
Dodd	McCarthy	Ribicoff
Douglas	McGee	Scott
Fong	McGovern	Smith
Gore	McIntyre	Symington
Gruening	McNamara	Williams, N.J.
Hartke	Metcalf	

NAYS—43

Aiken	Goldwater	Pearson
Allott	Hayden	Prouty
Bennett	Hill	Robertson
Byrd, Va.	Holland	Russell
Byrd, W. Va.	Hruska	Simpson
Carlson	Jordan, Idaho	Sparkman
Cooper	Jordan, N.C.	Stennis
Cotton	Kuchel	Talmadge
Curtis	Lausche	Thurmond
Dirksen	Long, La.	Tower
Dominick	McClellan	Williams, Del.
Eastland	Miller	Yarborough
Ellender	Morse	Young, N. Dak.
Engle	Morton	
Fulbright	Mundt	

NOT VOTING—12

Anderson	Ervin	Mechem
Bayh	Hart	Saltonstall
Bible	Hickenlooper	Smathers
Edmondson	Long, Mo.	Young, Ohio

So Mr. McCARTHY's amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. HOLLAND. Mr. President, I yield 5 minutes to the distinguished Senator from Arkansas [Mr. FULBRIGHT].

Mr. FULBRIGHT. Mr. President, I deeply regret the vote which has just taken place, because I think it very materially alters the bill. Nevertheless, I should like to speak about the bill, even in its changed state, in the hope that perhaps something may be salvaged from it.

I introduced another bill, one which would phase out the program over a 3-year period. I much prefer a 3-year period for the phasing out of the program; but the bill which the committee reported, providing for a 1-year period to phase out the program was, of course, acceptable, and would give farmers an opportunity to phase out the program without undue difficulty and expense to them.

I deeply regret that Senators who oppose the program have seen fit to accept an amendment such as has just been adopted by a majority of one. I am afraid it will destroy the program altogether.

Every Member of this body would, of course, like to improve the conditions of domestic migrant workers. Everyone recognizes the need to improve their living conditions. The real question is how to accomplish this worthy goal. To improve their lot and enable them to enjoy more of the better things in life now available every day to the average American will not be achieved merely by cutting off the Mexican labor program. I fail to see how eliminating the Mexican labor program will have any appreciable effect on the wages or conditions of employment for domestic farmworkers. Ample statutory and regulatory safeguards have been erected to prevent the use of Mexicans to replace domestic workers or their having any adverse effect on wages and working conditions. It makes little sense to cut off this program as a meaningless gesture of sympathy to the domestic migrants.

The justification for continuation of the Mexican labor program is that suffi-

cient domestic labor is not available in the place and at the time it is needed by the farmers. Mexicans do not replace domestic workers, they supplement them. I feel sure that most users of Mexican labor would prefer to produce and harvest his crop either with domestic labor or by machinery if it were possible in view of the redtape and extra expense involved in getting braceros. The farmers in my State who have in the past used Mexican labor for cotton picking and chopping are now mechanizing their operations rapidly because of the difficulties encountered in getting sufficient hand labor and the continued uncertainty for extension of this program.

To make this change will take time, and the bill in its original form provided for a more orderly transition and minimized the difficulties.

Mechanization is drastically reducing the need for hand labor. Ten years ago practically all of the Arkansas cotton crop was picked by hand. Last year well over one-half of the crop was picked by machine. Machines and chemicals are replacing hand labor in many other phases of production in cotton and other crops and the trend will no doubt continue. This is true in farming areas throughout the country. New machines, taking away more farm jobs are being developed constantly and the average farmworker is more than likely a skilled machine operator rather than one whose value depends on his brawn. Automation has come to the farm as well as the factory. But in spite of these technological advances manual or "stoop" labor is still an essential element in production and harvesting of some crops, particularly fruits and vegetables.

However, as an indication of the decrease in the demands for hand labor in Arkansas, I point out that in 1959 nearly 85,000 man-months of Mexican labor were used. In 1962 this had decreased to less than 19,000 man-months, a drop of 78 percent in only 3 years. It is possible that no Mexican labor will be needed in my State next year for cotton picking, but there will still be a need for some braceros for cotton chopping and for the harvesting of fruits and vegetables, to supplement domestic labor available. There is simply not enough domestic labor available at a price the farmer can pay to do some of the most distasteful farmwork. Between 1900 and 1960 there was a 6.5-percent decrease in population in Arkansas, and 57 percent of this decrease was in the 18 counties of eastern Arkansas where 80 percent of the State's cotton is produced.

It should be remembered that the Mexican labor program is important to our good neighbor to the South also, and that by abolishing it we will have cut off her second most important source of dollars. If Congress lets this program expire as scheduled at the end of this calendar year there would no-doubt be requests made to the Congress to increase foreign aid to Mexico in order to fill the gap. In considering the question of extending this program, Senators should also consider the very favorable balance of trade that we have with Mexico. Our exports were $792 million last year compared to imports of $578 million—a balance in our favor of $214 million. The dollars paid for the services of Mexican laborers are eventually returned to this country for purchase of American goods and services. This is not a program of charity toward our less fortunate neighbor. It is one that is in the best interests of both countries.

I wish that we could bring about a substantial improvement in the wages and living conditions of the migrant worker. It is a hard and bitter life with little contact with the creature comforts making up what we have come to think of as the American way of life. Migrant workers deserve better treatment, but they will not get it merely by cutting off the Mexican labor program. Mexican workers compete with machines, not with domestic workers. Farmers must have much better prices and expanded markets before they can pay wages comparable to those paid in industry.

The Government of Mexico through its Ambassador presented its views on this matter to our Government in a note dated June 21, 1963, following the rejection of a 2-year extension bill by the House of Representatives. Because of the significance of this note to the debate on the pending bill, I ask unanimous consent to have the full text printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, I shall not read the entire note, but I wish to quote excerpts pertaining to this program in relation to the previous "wetback" problem:

The Governments of Mexico and the United States have for many years been faced with the problem of the illegal entry of Mexican workers into United States territory in search of work. The maximum number of arrests made by the Immigration Service of the United States reached 803,618 in 1953, a year in which only 201,380 workers were contracted. Since that time the efforts of the two Governments to eliminate illegal entries, at the same time leaving the door open under the legal procedures of the international migrant labor agreement of 1951, produced the desired results, the number of arrests having been reduced to 31,106 in 1959, during which year 437,643 workers were contracted.

It was precisely the presence of the "wetbacks" in the fields of the United States that created a situation undesirable from every standpoint, since these persons had not even the most elementary kind of protection and were the victims of exploitation in respect of wages, because they were forced to accept whatever pay was offered to them, and domestic workers were unable to compete and found themselves compelled to move to other areas. The lack of an agreement to facilitate contracting as long as there is a shortage of farm labor, which the Mexican workers have been covering, would tend to bring about a return to that situation.

Mr. President, it seems to me that the way the Senate has killed this bill, by adoption of the amendment of the Senator from Minnesota [Mr. MCCARTHY], is very unfortunate. The Senate was not allowed to have a direct vote on the bill itself. I deeply regret that the Senate has acted as it has.

My arguments for the bill as it was reported by the committee would not apply to the bill as it now stands. Although I shall vote for the bill, because I believe my vote would be misunderstood if I voted against it, I think the amendment of the Senator from Minnesota [Mr. MCCARTHY] has effectively destroyed it, and has made it very probable that the bill will not be enacted at all. I think it is unfortunate that this indirect method has been used to destroy a bill which was of great importance—to a few States, it is true, which have this problem; they include Florida, California, Arkansas, and Texas. I think this is a very unfortunate development, and I deeply regret the vote of the Senate on that amendment.

EXHIBIT 1

EMBASSY OF MEXICO

The Ambassador of Mexico presents his compliments to His Excellency the Secretary of State and has the honor to inform him of the position of the Government of Mexico with respect to the decision taken by the House of Representatives of the Congress of the United States on May 29 last, rejecting the bill that would have authorized the executive branch of the United States to extend the international migrant labor agreement that expires on December 31 of this year.

The Government of Mexico considers that there would be no call for any observation whatever concerning the aforesaid action, had the need for Mexican labor that has existed for a number of years among the farmers in various parts of the United States disappeared, or if systems other than those used so far were available to meet that need. It is not to be expected that the termination of an international agreement governing and regulating the rendering of service by Mexican workers in the United States will put an end to that type of seasonal migration. The aforesaid agreement is not the cause of that migration; it is the effect or result of the migratory phenomenon. Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: The illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.

The Governments of Mexico and the United States have for many years been faced with the problem of the illegal entry of Mexican workers into U.S. territory in search of work. The maximum number of arrests made by the Immigration Service of the United States reached 803,618 in 1953, a year in which only 201,380 workers were contracted. Since that time the efforts of the two Governments to eliminate illegal entries, at the same time leaving the door open under the legal procedures of the international migrant labor agreement of 1951, produced the desired results, the number of arrests having been reduced to 31,106 in 1959, during which year 437,643 workers were contracted.

Despite the fact that in 1960 the number of contracted workers began to decrease markedly, the number of illegal workers did not increase, the conclusion being that the Mexican workers have understood and accepted the fact that if they cannot obtain work by contract, it is because they would not obtain it either by entering the United States illegally. Here are some pertinent data:

Year:	Contracts signed	Deportation
1960	315,846	28,492
1961	291,420	31,350
1962	194,978	19,283

In the last 3 years there has been a considerable increase in the number of Mexican farmworkers who have applied for and obtained residence visas to come to the United States, through letters issued by farmers and growers in the United States who have offered them employment. It is estimated that no less than 32,000 farmworkers obtained their documents in 1961 and possibly some 40,000 in 1962. The statistics on the contracting during the last 5 years show that there were barely 50,000 jobs for the workers during the 12 months of the year, open at various times during the year and in various States, so that in order to be able to work without interruption during the entire year, it would be necessary for the workers to move from one place to another. Since it is impossible to achieve precision and coordination even with the means available to the two Governments, it is concluded that the aforesaid increased number of resident farmworkers do not have permanent work but in fact continue in their status as seasonal workers, working for an employer for 6 or 8 weeks and then returning to Mexico in the hope of being called upon to work for another short period—an operation that is repeated two or three times a year. As may easily be seen, this situation will create problems for both Mexico and the United States, since during the jobless seasons the worker with a residence visa will burden the economy on one of the two countries, with the same consequences of accepting ill-paid work, obtaining official assistance, etc.

There is good reason to believe that the absence of an international agreement governing temporary employment of farmworkers will lead to an increase in the types of migration pointed out above.

Finally, it should be considered that on various occasions when at international meetings on migrant worker problems representatives of the Government of the United States have indicated their purpose of decreasing the contracting until the elimination point is reached, the Mexican representatives have requested that an attempt be made to make the decrease gradually, in order to give Mexico an opportunity to reabsorb the workers who have habitually been working in the United States and thus to stave off the sudden crisis that would come from an increase in national employment. The stoppage of the contracts at the start of 1964 would have approximately 200,000 persons out of work.

It is not considered that the contracting of Mexican workers under the international agreement has produced unfavorable effects on American workers. Quite the contrary. The benefits granted the contracted braceros, in the matter of insurance covering occupational accidents and illness, the extremely careful regulations on lodgings and transportation, and the constant inspection of food have provided a pattern that can be followed for domestic workers who lack such protection. And with regard to the wage increase obtained for Mexican workers on various occasions, chiefly in the year 1962, what was obtained through the effort of the Mexican Government and the cooperation of the Department of Labor of the United States, to such an extent that in some localities the wages are higher than those paid to domestic workers, represents the reason why this type of work is now looked upon as acceptable by the American workers.

It was precisely the presence of the "wetbacks" in the fields of the United States that created a situation undesirable from every standpoint, since those persons have not even the most elementary kind of protection and were the victims of exploitation with respect to wages, because they were forced to accept whatever pay was offered to them, and domestic workers were unable to compete and found themselves compelled to move to other areas. The lack of an agreement to facilitate contracting as long as there is a shortage of farm labor, which the Mexican workers have been covering, would tend to bring about a return to that situation. And although Mexico would make efforts to prevent it, as was indicated by the Secretary of Foreign Affairs of Mexico at a press conference on June 5, the willingness of American employers to give work to the wetbacks explains why in many cases the Mexican workers violate the law of the United States, and it is very important for the Government of this country to solve this problem.

The virtual extinction of discrimination against and segregation of persons of Mexican nationality in areas of the United States where such practices once existed can decisively be attributed to the contracting of Mexican workers under international agreements. The need for labor which only the Mexican could supply but which was not authorized for localities where special schools were maintained for Mexicans, or where they were segregated in restaurants, theaters, etc., and discriminated against in respect of wages, etc., led the authorities concerned to put an end to that situation.

There is no doubt that this has been a firm foundation for the good relations between the peoples of the two countries.

In this connection, it is appropriate to note that in September 1954, the President of Mexico stated in his annual message to the Congress that efforts were being made to solve the difficult problem caused by the exodus of Mexican farmworkers, "acting in full and friendly cooperation with the Government of the United States in this task, in order that those who go to work may do so under the protection of existing agreements." And if indeed the contracting should come to an end, it is hoped, as the Secretary of Foreign Affairs said during the press conference mentioned above, that the two Governments will act vigorously and determinedly to prevent the illegal traffic of workers, which benefits neither Mexico nor the United States and is a constant point of discussion between the two Governments and the communities where the braceros who enter illegally work.

WASHINGTON, D.C., *June 21, 1963.*

The PRESIDING OFFICER. The time yielded to the Senator from Arkansas has expired.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry: How stands the remaining time?

The PRESIDING OFFICER. The proponents of the measure have used all their time; the opponents have 30 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield myself 1 minute on the bill. I do so only to ask the distinguished majority leader about the schedule for the remainder of the day and for the rest of the week, and also as to what is likely to be set for consideration early next week.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, in response to the question which has been raised, I ask unanimous consent that when the Senate concludes its business today, it adjourn until Monday next, at 12 o'clock noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Following the disposition of the pending business, it is the intention to call up for consideration Calendar No. 244, Senate bill 979, to amend section 332 of title 28, United States Code, in order to provide for the inclusion of a district judge or judges on the judicial council of each circuit. It is anticipated that on Tuesday next the Senate will consider the debt-limit legislation.

EXTENSION OF MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HOLLAND. Mr. President, I yield 2 minutes to the Senator from California [Mr. KUCHEL].

The PRESIDING OFFICER. The Senator from Florida has no time to yield.

Mr. KUCHEL. Mr. President, will the distinguished minority leader [Mr. DIRKSEN] yield to me?

Mr. DIRKSEN. I yield 5 minutes on the bill to the distinguished Senator from California [Mr. KUCHEL].

Mr. KUCHEL. Mr. President, I share the feelings of the Senator from Arkansas [Mr. FULBRIGHT]. This has been a good program. Senators in this Chamber today have indicated that not one national of any country comes into the United States to replace any American citizen who is available to do farmwork.

According to the 1960 census I represent the most urbanized State in America. Eighty-six percent of the residents of California live in urbanized areas. Yet, California is also the leading agricultural State in our Nation. Since 1950, California continuously has ranked first among the States in the value of agricultural commodities produced which go to all parts of our Nation and the world. Farming in my State is over a $3 billion annual business.

I am deeply concerned about the welfare of workers not only in industry but in agriculture. For a long time, I have been shocked by the plight in which the so-called excluded American, the domestic migrant worker, finds himself. Consequently, Mr. President, I supported earlier this year as I did in the previous Congress those worthwhile proposals which have been reported to the Senate by the Subcommittee on Migratory Labor. These measures included S. 521, the Migrant Agricultural Employees and Children Educational Assistance Act; S. 522, providing for day-care services for the children of migrant agricultural workers; S. 523, dealing with agricultural child labor; S. 524, the Farm Labor Contractor Registration Act; S. 525, which would establish a National Advisory Council on Migratory Labor; and S. 526, which would amend the Public Health Service Act to establish a program to assist farmers in providing and construct-

ing adequate sanitation facilities for migratory farm laborers.

These measures passed the Senate on June 10 and 11. They are now before the responsible House committees. I hope, as I am sure do all concerned Americans, that these measures will at long last be enacted into law.

In the last Congress we passed the Migrant Health Act which authorized Federal grants to assist State medical services for seasonal farmworkers. Two years ago, California established the Farm Workers Health Service which has done an outstanding job in this area. California was ready last year to proceed with an excellent program under the act. As a member of the Senate Committee on Appropriations, I was delighted that I was able to help secure inclusion of sufficient funds to carry out the purposes of this act. Unfortunately, in the closing days of the session, as the Senate will recall, the needed appropriations were put off until this year.

I believe that much more remains to be done. I favor a national agricultural minimum wage, congressionally sanctioned, which would apply equally to all areas of our land regardless of the prevailing wage which might exist in a particular area.

As each of us knows, Mr. President, if we have dealt in any detail with agriculture, there is not just a farm problem, but rather there are many farm problems depending on the commodity we are talking about and the section of the country in which it is grown. So, too, there is not one farm labor problem, but there are many farm labor problems. Each demands treatment appropriate to its nature.

Before us is a measure to extend once again, this time for a period of 1 year, Public Law 78, which authorizes the Mexican farm labor program. This program originated because of a need to provide supplemental labor which could not be procured domestically to prepare and to harvest crops during relatively short periods of time. To delay for a day in certain field or fruit crops can mean a loss of millions of dollars not only to the farmer but to consumers throughout America. We all know that the farmer cannot control his production as can the industrial manager. One does not roof over a field whether it ranges in extent from a few acres to many thousands of acres and then control the environment underneath.

California's foreign-worker employment averaged 32,800 in 1962, of which 1,300 was Japanese. Most of the remainder were Mexican. They were primarily utilized in the harvesting of fruit and vegetables. The peak employment of 73,000 in September was about 6,000 higher than the 1961 peak mainly because California's tomato crop was approximately one-third larger than the year before. Foreign labor constitutes 90 percent of the seasonal workers utilized in the harvesting of tomatoes. As a whole, foreign-worker employment was 3,000 lower than in 1961 because of smaller employment in citrus fruits, lettuce, and cotton.

Interestingly enough for the United States as a whole, according to the official report of the U.S. Department of Labor, domestic-worker employment averaged 631,000 in 1962, virtually the same as in 1961. Meanwhile average foreign-worker employment, at 71,000, was a third lower. For example, while domestic-worker employment in cotton declined less than 5 percent between 1961 and 1962, foreign-worker employment in cotton was down 77 percent.

During the last 5 years, average foreign-worker employment as a percent of average seasonal employment has declined from almost one-third of the labor force in 1958 to less than a quarter of the labor force in 1962.

Most revealing, I think, is the decline in the man-months of Mexican labor which has taken place between 1959 and 1962. In 1959, California, according to the Department of Labor, utilized 560,690 man-months of Mexican labor. Within 4 years this had declined by 32 percent to 378,570 man-months of Mexican labor.

The peak employment of Mexican and domestic seasonal agricultural workers in California in 1959 was 249,000 of which 165,500 was domestic and 82,000 was Mexican. By 1962, the peak employment was 235,000 of which 163,500 was domestic and 71,700 was Mexican.

California pays the highest wages in America for domestic and foreign farm labor. In 1960, the California average hourly farm wage rate without room or board was $1.23. Now it is $1.33. Meanwhile, the national average was 97 cents. Mr. President, to show the relationship between the 1962 piece rate earnings of Mexican nationals brought in to California under Public Law 78 and the hourly wage rates for various jobs in the industrial sector, I ask unanimous consent that a table based on statistics prepared by the U.S. Department of Labor be printed at this point in my remarks.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COMPARISON OF CERTAIN INDUSTRIAL WAGE RATES AND CERTAIN CALIFORNIA BRACERO EARNINGS

	Per hour
Sawmills and planing mills	$1.71
Wooden containers	1.57
Miscellaneous wood products	1.72
Household furniture	1.77
Toys	1.75
Costume jewelry	1.70
Cotton woven fabrics	1.56
Silk and synthetic fabrics	1.65
Knitting	1.51
Yarn and thread	1.50
Women's underwear	1.45
Footwear except rubber	1.59
Leather products	1.58
Apparel stores	1.47
Women's ready to wear	1.31
Drug stores	1.43
Hotels-motels	1.10
Laundry and drycleaners	1.24

The above rates do not include housing, utilities, or transportation to job.

(Industrial wage rates from the U.S. Dept. of Labor Monthly Labor Review, January 1963.)

	Per hour
Load carrots	$2.80
Prune strawberries	2.03
Thin celery	2.01
Pick rhubarb	1.92
Pick watermelon	1.70
Pick dates	1.67
Pull-top rutabagas	1.61
Thin-hoe multi crops	1.58
Pick peaches	1.57
Pick peppers	1.55
Thin miscellaneous vegetables	1.52
Harvest raisins	1.49
Bag dates	1.46
Spinach	1.44
Pick tangerines	1.40
Pick oranges	1.18
Thin lettuce	1.33
Load peaches	1.68

The above earnings are statewide averages. In addition they receive housing, utilities, to job transportation and meals at $1.75 per day. Same conditions were available to domestic workers.

Piece rate earnings of Mexican nationals in California for year 1962 taken from U.S. Department of Labor, Region X Annual Report.

Tobacco manufacturers	$1.67
Textile mills	1.66
Apparel	1.56
Leather and products	1.61

Average hourly earnings of production workers in manufacturing by major industry taken from U.S. Department of Labor's Monthly Labor Review for January 1963, volume 86, No. 1.

Mr. KUCHEL. Mr. President, we have heard a lot about the fact that less than 1 percent of the farms in the United States use some foreign labor. What is important is that 52 percent of our farms use no hired labor, either domestic or foreign, because of the nature of their operations.

And next, we must ask the question, what percentage and what type of the Nation's agricultural produce are represented by the 1 percent of the Nation's farms which use foreign labor? In the case of California, the expansion of field crops is the most important agricultural development which has occurred in my State in the last three decades. Total output has more than doubled since the 1930's. California now ranks second to Texas in cotton production. In 1958, California contributed 8.2 percent of the national total of cash receipts from farming with only 2.6 percent of the farms and 3.3 percent of all the land in farms.

Mr. President, a subcommittee of the House Committee on Agriculture held 3 days of hearings earlier this year regarding the extension of the Mexican farm labor program. A record of 349 pages was compiled. Mr. Charles Paul, the able director of agriculture for the State of California accompanied by Don Larin, deputy director of the California Department of Employment, and Dr. John W. Manner, extension economist for the University of California at Berkeley, appeared on behalf of Governor Brown to recommend extension of this program.

At that time, Mr. Paul noted that for the past 3 years, the value of California farm production has exceeded $3 bil-

lion annually and that the trend is upward. My State produces over 200 different crops in commercial quantities. We are first in the Nation in 35 of these commodities and we produce practically the complete national supply of almonds, prunes, walnuts, apricots, cling peaches, dates, figs, and raisins, among others.

Among the 200 California crops, there are many which do not require much farm labor and that in such crops as grain, hay, and cotton, there is almost complete mechanization. Under the aegis of the University of California, my State has probably led the Nation in the development of automatic harvesting equipment and other farm machinery.

But, Mr. President, I am not here to boast about the glories of California. I am here to try to the best of my ability to illustrate that there is a crucial farm labor problem in California and that this problem cannot be met by domestic farmworkers alone. There are domestic farm labor opportunities in California and these are being utilized. But our concern is with the high demand for a large amount of labor to be used in a short period of time. In brief, labor which must be available within a few days to harvest tomatoes, lettuce, strawberries, lemons, oranges, sugarbeets, melons, asparagus, celery, and snap beans if they are not to rot in the fields or on the tree.

Mr. President, I ask consent that a table outlining the principal crops using Mexican nationals in California with the importance of the crops and the degree of Mexican labor used, as well as the status of laborsaving equipment as related to the harvesting of those crops be included at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Product	California acreage	California as percent of U.S. production	California farm value	Mexican labor in major seasonal tasks		Status of laborsaving equipment, especially for harvesting
				Man-weeks	Percent of total	
Tomatoes	200,900	54	$130,114,000	449,990	72	Feasible but 8 to 10 years away.
Lettuce	106,400	59	87,510,000	185,590	68	Some mechanization now. Reduce labor by 50 percent by 1968.
Strawberries	10,500	40	36,500,000	177,820	61	Little mechanized equipment; none in sight.
Lemons	50,000	94	33,440,000	149,120	76	Little mechanization; none in sight.
Oranges	59,544	13	87,398,000	78,300	42	Do.
Sugarbeets	241,000	26	54,890,000	65,600	38	Substantially mechanized now.
Melons	85,550	25	37,787,000	63,880	45	Some mechanization for loading, none for picking.
Asparagus	66,600	54	27,531,000	57,360	48	Experimental machine developed but has not proved practical because of wastage.
Celery	13,500	52	31,703,000	42,950	55	Some equipment used in past; too expensive for small growers.
Snap beans	8,500	7	8,182,000	33,890	54	Not feasible for pole beans.
Total, 10 crops above	842,494	32	534,965,000	1,304,500	61	
All crops (not including dairy, livestock, and poultry).			1,967,877,000	1,643,400	26	

Mr. KUCHEL. Now, Mr. President, we have heard the accusation that the use of foreign labor to meet peak harvest needs means that American workers who want farm employment are shunted aside and we also hear that the Mexican labor program is immoral in light of the high level of domestic unemployment. Mr. President, this is like adding apples and oranges and saying you have "x" number of apples. The cessation of the Mexican farm labor program will not mean a new job opportunity for the unemployed worker who has been let go at the automobile plant in Detroit. It will not mean a new job opportunity for the unemployed metalworker on an airframe assembly line in Los Angeles. We cannot solve the problems of a stagnant economy by halting a needed program. We can solve the problems of a stagnant economy by devising tax policies which will promote, not discourage, economic growth. We can solve the problems of a stagnant economy by encouraging an expansion of educational opportunities for all of our people, both young and old, black and white.

On this question of adverse affect by this program on domestic employment opportunities, let me quote California Governor Brown's Director of Agriculture. In his testimony before the House committee, Mr. Paul stated:

> I know the Governor is terrifically concerned about the unemployed people in our State, as well as the unemployed in other States, and I believe that I can say to you generally from the Governor and from most of the California farmers that if this foreign labor program, this Public Law 78, was keeping even a small percentage of our own people from obtaining employment, that none of us would be willing to support it, Mr. Chairman.
>
> "But, based on the testimony that was given this morning by the Secretary of Labor, that we do not even qualify for the foreign labor unless we can certify and have proven that we have offered employment and are willing to employ all the domestics available, it seems to me that it is a pretty broad area of administration.
>
> We cannot employ braceros by any stretch of the imagination unless all of the domestics that are willing to work on this job are employed.
>
> That is the way Mr. Larin and his people administer the law, as established by the Department of Labor, and I think that that, in itself, is proof that, even if we did not want to, that the administration of the law forces us to seek out the domestic labor that is available for this work, and only then do we qualify for braceros to come into the agricultural areas to work.

Above all, California does not have an agriculture dominated by absentee landlords. Whereas three-quarters of California's farms were operated by owners and part owners in the 1930's by the decade of the 1950's this ratio had increased to almost nine-tenths. The farmer's continued livelihood is dependent on his ability to harvest his crop and his ability to attract both domestic and foreign workers to aid him in that task.

I do not believe that a single foreign worker should be imported into this country if it adversely affects our domestic work force.

If, in the implementation of the Mexican labor program, domestic workers are being adversely affected, then there is something wrong not with the Congress but with the administration of that program by the Department of Labor. The Secretary of Labor is not to certify and authorize the use of foreign labor if such importation would adversely affect the employment opportunities for domestic workers.

Article 15, "Wages," of the Migrant Labor Agreement of 1951, as amended, entered into between the Governments of Mexico and the United States of America, already provides, in part:

> The employer shall pay the Mexican worker not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment, or at the rate specified in the work contract, whichever is higher. The determination of the prevailing wage rate shall be made by the Secretary of Labor.

The passage a short time ago of the amendment offered by the Senator from Minnesota [Mr. MCCARTHY] would require employers who seek Mexican nationals to offer domestic workers housing, transportation expenses, and occupational insurance comparable to that which such employers must furnish Mexican workers under the international agreement. In reality, the passage of that amendment would mean the adoption of an escalator device through use of the Mexican labor program which would maintain the present farm labor cost inequalities which exist in various parts of our land.

I think that the adoption of the procedure suggested by the Senator from Minnesota is not appropriate in terms of what he seeks to achieve. I think it would mark a setback and an excuse for inaction in what is truly needed which is a nationwide minimum wage standard for agriculture. I support such a national agricultural minimum wage. The Republican Party of California in a recent statewide convention announced its support of a national agricultural mini-

mum wage of $1 an hour. What is needed is to remove the exemption for agriculture from the Fair Labor Standards Act. This is a matter which should be rapidly and, in my opinion, favorably considered by the Senate Committee on Labor and Public Welfare. But we do not need a pseudominimum wage which operates only where foreign labor is utilized and which is "hidden" in housing and transportation costs.

Why should the Secretary of Labor be permitted to set labor costs for the farmworker through the vehicle of the Mexican labor program, when he cannot set them for the industrial sector of our economy under the Fair Labor Standards Act? While it is true that Congress has given the Secretary the authority to determine the prevailing wage for an area under the Davis-Bacon Act when Federal construction contracts are involved and for an industry under the Walsh-Healey Act when Federal supply contracts are involved, it is also true that it has not given the Secretary of Labor the authority to set minimum wages in the guise of an escalated percentage formula or to include so-called fringe benefits, which occupational insurance would be, as a part of the prevailing wage.

What might be needed, besides appropriate action by the Committee on Labor and Public Welfare, is a more carefully defined criteria of adverse effect by the Department of Labor and its Bureau of Employment Security so that the hundreds of local employment office officials who must participate in the process of authorizing the importation of foreign labor would have a clearer idea of what is meant by the term. Are local domestic workers adversely affected based merely on the total number of unemployed in a particular area or in an adjacent State? There is substantial evidence to indicate that domestic workers willing to work are hired and the number of foreign laborers in an area reduced when the domestic workers become available.

Mr. President, regarding the amendment authored by the Senator from Minnesota [Mr. McCARTHY], I ask consent that a portion of the majority report pertaining to this amendment be included at this point in my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Secretary also proposed amendments to the program to require employers to offer domestic workers occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican workers.[1] This committee and Congress very carefully considered similar proposals in 1961 and, after thorough debate, agreed upon the additional safeguards described above. At that time this committee stated at page 5 of S. Rept. 619, 87th Congress:

"Section 2 of the bill amends clause (3) just quoted to include 'working conditions' along with wages and standard hours of work. The term 'working conditions' is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain."

[1] While the Secretary refers in his letter to "transportation expenses" the draft bill submitted by him would have required the employers to make the transportation itself available.

Mr. KUCHEL. Mr. President, I agree that it is inconceivable that we treat foreign workers better than we treat our domestic farmworkers. I would add that to me it is inconceivable that we treat domestic farmworkers differently than we treat industrial and service workers of comparable education, experience, and skill. I would hope that the Senate might tackle this great problem on its own merits and explore it in the manner in which it deserves to be explored following the necessary hearings and action by the Committee on Labor and Public Welfare. Realistic and necessary action will have my wholehearted support.

Furthermore, I point out that earlier this year I had the honor, together with a number of my Democratic colleagues and my Republican colleagues, to go to the Mexican-American Parliamentary Conference in Mexico. The Mexican people are a proud and a great people. They are friends of the people of the United States. I was assigned to a committee of Mexican Senators and Deputies, and to a committee of American Senators and American Representatives, who met around the conference table to discuss the problems of the bracero program. Discuss them at length we did.

At the end of several hours, Mr. President, every Mexican representing a district or a state in Mexico and every American there—both the Democrats and the Republicans—voted unanimously that it was in the best interests of both countries that this program be continued.

I was rather hopeful that the U.S. Senate would continue it in the fashion in which it came from the committee to the floor. I was hopeful that we would not suddenly and abruptly deny an available source of temporary farm labor to American farmers living in States in which the governments of the States, and thereafter the Government of the United States, both found that no American citizens were available to harvest the crops.

I wish to see the bill passed by the Senate—although a grievous mistake was made. Then let the House of Representatives do what it can with the proposed legislation; then let us see whether—as we hope—we may be able to continue this program into the future—although again I refer to what the Senator from Arkansas [Mr. FULBRIGHT] said a moment ago—that it is too bad that at a time when Senators whose votes would have made all the difference were absent from the Chamber, the Senate by a majority of one vote adopted an amendment which undermines, stultifies, and to a great extent makes a mockery of a program that has been of benefit to Americans, and also has helped our good neighbor to the south of us.

Mr. FULBRIGHT. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I yield.

Mr. FULBRIGHT. When I was speaking, there was so much confusion in the Chamber that one Senator asked me, after I concluded my remarks, "Do you mean to say that the Mexican Government favors this?"

I had read an official communique from the Mexican Ambassador, in which he said his government does favor it.

So I am sure there was great misunderstanding among Senators at the time when the vote on the amendment was taken. However, Senators were not willing to listen. I read the communique into the RECORD, and I know the Senator from California has a copy of it.

Mr. KUCHEL. Yes, I have.

Mr. President——

The PRESIDING OFFICER. The time yielded to the Senator from California has expired.

Mr. KUCHEL. Mr. President, may I have 1 more minute?

Mr. HOLLAND. I yield 1 more minute to the Senator from California.

The PRESIDING OFFICER. The Senator from Illinois controls the remaining time. Does he yield additional time to the Senator from California?

Mr. ALLOTT. Mr. President, the Senator from Illinois has allowed me to control that time. I yield 1 minute of it to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 1 more minute.

Mr. KUCHEL. I thank the Senator from Colorado.

Mr. President, these annual meetings between representatives of the United States Government and representatives of the Mexican Government have been very fine and most important. Certainly, Mr. President, in the weary world in which we live we should do everything we possibly can to improve and to cement our relationships with our good neighbors to the north of us and with our good neighbors to the south of us.

It is obvious that the Senator from Arkansas [Mr. FULBRIGHT] is entirely correct.

At the conference in Mexico, the official representatives of the legislative branch of the Mexican Government were in unanimous agreement with those of us who were official representatives of the legislative branch of the U.S. Government in adopting the report from which I am about to read; and let me state that I was the rapporteur for the group:

Where American agriculture has been unable to obtain sufficient assistance in harvesting its crops from American citizens,

Mexico, by agreement, has provided American farmers with Mexican nationals for temporary periods of time. We believe—

And this was the view of all those who were in attendance at the conference—this is a good program, to the mutual help of both countries. Many of the problems involved have been solved. Others remain. There was unanimous agreement that the program should continue.

So, Mr. President, the Senator from Arkansas [Mr. FULBRIGHT] is entirely correct. The members of the Mexican group hope this program will be approved by the U.S. Congress. So do I.

Mr. President, I ask consent that various editorials from California newspapers in support of the extension of Public Law 78 be included at the conclusion of my remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the San Francisco Examiner, June 3, 1963]

THE FARMER'S CRISIS

The California farmer, whose enterprise and industry contribute $3¼ billion annually to the State's prosperity, is a worried man—and rightly so.

When the House of Representatives, by a fairly close vote, killed the extension of the "bracero program," it raised the possibility that many California crops would not be harvested next year.

It also raised the possibility that some California land would be taken out of production and that some crops now grown in California might be raised in Mexico instead.

The bracero program, which has been in operation for many years, brings Mexican farm laborers into California. At the conclusion of the working season they are returned to Mexico.

It is estimated there is a shortage of 60,000 farm laborers in California. Many of the California crops such as lettuce, asparagus, tomatoes, melons, and berries are "stoop" crops. Native workers here for the most part will not work these crops. The bending over all day long in the hot sun is simply too much for the native worker. But the Mexicans have been happy to do the work and take back to their homeland the money they received.

A recent survey by the Giannini Foundation indicates it will be at least 8 to 10 years before mechanical means can be developed for picking these "stoop" crops.

Lettuce, incidentally, accounts for $87 million of California farm production, tomatoes $131 million. Grapes account for 5 percent of the total $3.25 billion crop production.

But without pickers the farmers will be in a desperate situation. Many California farmers fear that Mexico will embark on a large tomato and lettuce growing farm program if California is not able to picks its crops. There is plenty of land and plenty of workers.

The State's congressional delegation and the administration must be made aware of the critical picture that could develop here. California is a bright spot in the Nation today.

But if its agriculture is weakened, it could be a mighty unhappy area.

[From the Los Angeles Times, Apr. 17, 1963]

BRACERO FARM HELP STILL NEEDED

California farmers, with the qualified backing of Governor Brown and Labor Secretary Wirtz, are seeking extension of the Federal law which permits employment of Mexican workers (braceros).

We believe they have made a good case for continuation of this program, at least until the need for such emergency fieldhands no longer exists.

State Employment Director Albert Tieburg told a congressional hearing that California's agricultural industry would "face rather serious labor shortages in many crop activities if Congress fails to extend the (bracero) law."

And a University of California survey indicates the State may require more seasonal farm laborers at peak periods 5 years hence than it does now—despite an increase in automated harvest methods.

Meanwhile the State legislature has received a proposed bill that would, growers say, sharply curtail use of braceros by forcing the extension of benefits to U.S. workers comparable to those which Mexican contract labor now receives. Included are such items as free transportation, low-cost housing, guaranteed employment over defined periods, and payment to the State for each domestic worker recruited.

With considerable validity, the Agricultural Council of California argues that application of a minimum wage to farm labor here—as the bill demands—would place our State at a disadvantage with other States.

Moreover, the council contends that there simply aren't enough farm laborers to fill jobs at peak harvest seasons. Here it finds support from Governor Brown.

On balance, the growers appear to have a strong case. The Federal law extending the use of braceros should be passed, and the California proposal defeated. If, in the future State agriculture can be assured of adequate harvest hands under conditions which don't jeopardize our competitive status the Federal program might then be brought to a sensible close.

[From the Fresno Bee, June 5, 1963]

CURB ON BRACERO LABOR WOULD HIT FARMERS HARD

The failure of the House of Representatives in Congress to extend the bracero program permitting farmers to hire Mexican nationals for field labor puts California's rich truck crops in serious jeopardy.

There are three circumstances which reflect badly upon the House in this action: 102 Members were absent when the vote was taken not to continue the bracero program beyond 1963; the House acted against the best advice of the U.S. Department of Agriculture and the expert testimony from several vitally concerned Western States, particularly California; and the Eastern States by voting so strongly against the bracero use, indicated scant consideration for the real plight this will pose to farmers.

In effect, the House as much as said it cares not whether the California farmer gets help in the quantity he needs to harvest his crops. All those vitally concerned only can hope Congress will reconsider, that it more patiently will hear the valid testimony which so strongly argues the case for the use of braceros. Congressman E. C. GATHINGS, of Arkansas, chairman of an agricultural subcommittee which recommended passage of the extension, is confident Congress will reconsider as it most assuredly should.

Meantime, this is the dilemma in which California finds itself.

Fact No. 1: Without braceros, California is short by 60,000 laborers in the number needed to harvest its crops. This becomes especially significant when it is considered this lack of labor seriously endangers a $3.25 billion a year industry, and the $14 billion agriculture contributes to the total State economy through allied services and industries.

Fact No. 2: American farm laborers will not hire out for stoop labor. How many farmers have complained they just could not recruit domestic help for this kind of labor, however much they offered?

Fact No. 3: The agitation by organized labor opposing the bracero program is built upon myth and quarter truths. The bracero does not take labor away from the domestic workers; he merely fills a job nobody else will do.

At stake in California are a $180 million tomato crop, a good part of the $348 million annual cotton crop, the multimillion dollar beet crop, the $36 million strawberry crop, the $38 million melon crop, the $28 million asparagus crop. These and others, as well as cannery and processing businesses dependent upon these crops and the employment in those allied industries.

If bracero labor is denied, then surely production will diminish. The House of Representatives not only is gambling with the destiny of tens of thousands of farmers; it is gambling with local economy as well, for it is a truth of economics that when there are cutbacks in basic farm crops the shudder can be felt down the line right to the local corner filling station operator.

[From the Bakersfield Californian, June 1, 1963]

BRACERO BAN HITS CALIFORNIA AGRICULTURE

The action by Congress against renewing the bracero program is a serious blow to California agriculture, and one that will result in vigorous efforts to introduce new measures aimed at restoring the supply of labor provided by the importation of Mexican farm labor.

Farm leaders in the San Joaquin Valley are united in their opinion that cancellation of the bracero program will do grave damage to the agricultural industry. Many crops depend for their harvest upon the labor that comes from Mexico through the Federal program. The type of work that is done by these workers is not attractive to American workers and it is difficult to recruit labor here for such jobs, together with the difficulty of meeting the competition in wage-and-hour conditions offered by other employment.

It is a fact that in spite of the great advance of mechanization, the large scale farming in California depends a great deal upon "stoop" labor and certain crops cannot be harvested mechanically yet. The jobs that are taken by the braceros are not greatly in demand by native labor, and the displacement in job opportunities is not serious.

The California Legislature is at present studying resolutions urging Congress to renew the program for 1964, and there are other moves that are being considered in the legislation to meet the new crisis in the farm labor field. One is a farm labor bill sponsored by Assemblyman Song of Monterey Park, which would establish a State farm labor program involving the use of American farm labor similar to the law that established the Federal bracero program. The bill would provide requirements for transportation, housing and guaranteed work periods similar to the requirements set forth in the Federal law covering braceros. Whether these would stimulate the recruitment of native labor remains to be seen, however.

The situation is serious for the California growers, however, since they have established their operation in melons, fruit and vegetable crops which cannot, if they are to survive, continue without the necessary labor supply at harvest time. The bracero program had been operating satisfactorily in California; it offered excellent opportunities for Mexican workers to get jobs at more pay than they could earn in their homeland and the standards set by the Federal law were also beneficial for them. The program also prevented the accumulation of workers that were compelled to go without employment

when the crops were harvested and then became in many cases public charges. It is hoped that Congress will change its mind on the bracero program.

[From the Riverside (Calif.) Daily Enterprise, June 4, 1963]

FARM ECONOMISTS REPORT: LOSS OF BRACERO PROGRAM WILL HIT CALIFORNIA FARM CROPS HARD

(By Pat Keeble)

SACRAMENTO.—Last year the State board of agriculture called in experts from the Giannini Foundation of Agricultural Economics and asked this question:

What would happen to California agriculture if the Mexican bracero program were suddenly dropped?

When Congress refused to renew the program last week, the foundation's report was brought into focus.

The economists found that while the use of Mexican nationals in California had declined steadily for several years, their importance to certain crops could not be denied.

They said impact would vary from crop to crop, but would be most severe "upon the operators of those crops that have heavily depended on foreign labor and in which there is no apparent possibility of substituting machines or other laborsaving technology for the human hand."

The State department of employment identified tomatoes and strawberries as those crops using the most braceros. More than 46,000 were used in the tomato crop last year, while strawberries took nearly 12,000. Other top users were lettuce, lemons, asparagus, snap beans, melons, sugarbeets, grapes, cotton, valencia oranges and celery.

The report gave this summary of what might be expected in 1964 if Congress doesn't change its mind:

Tomatoes: A $130 million crop with 80 percent of its harvest workers coming from Mexico. The report said that it was doubtful that mechanization of the harvest operation could be achieved for the major portion of the crop in less than 8 to 10 years. If seasonal labor should be abruptly curtailed, tomato growers would be left with little choice but to greatly curtail production. A large reduction in the acreage of tomatoes would reduce the employment opportunities for domestic workers in canning, processing and packing plants.

Strawberries: A $36 million crop. About 61 percent of strawberry workers last year were braceros. There is very little mechanical equipment available for harvesting strawberries and no innovations on the horizon. If supplemental seasonal labor became unavailable, large commercial growers would probably have no choice but to greatly reduce their acreage, with production dropping an estimated 50 percent. In time a much smaller industry built around small-scale operations would probably develop, working back up to about 75 percent of current production.

Lettuce: An $88 million crop. Harvest workers would first make an all-out effort to obtain added domestic labor and to adopt mechanical methods. If these failed lettuce acreage would be sharply reduced. This would tend to increase prices to consumers so that reduction in income would be less than the reduction in acreage.

Melons: A $38 million crop. About 44 percent of the harvest workers last year were braceros. Development of a mechanical harvester is difficult because the fruit does not ripen uniformly. If seasonal labor were curtailed, growers would find it very difficult to produce cantaloups and would have to reduce their acreage.

Grapes: A $168 million crop. Only 3 percent of the grape workers last year were braceros. If the labor force were curtailed, either through elimination of the bracero program or because of competition for domestics with other crops, development of mechanization would accelerate, but a reduction of 10 to 15 percent in grape acreage would occur.

Asparagus: A $28 million crop. About 50 to 55 percent of asparagus workers last year were braceros. If they were not available, planting would be cut an estimated 25 to 30 percent. Mechanical harvesters could be used for green asparagus, but small growers would shift to other crops because they could not afford mechanization. Production of white asparagus would tend to disappear, with consumption going to an imported product.

Mr. DOMINICK. Mr. President——

Mr. ALLOTT. Mr. President, I yield 5 minutes to my colleague.

The PRESIDING OFFICER. The junior Senator from Colorado is recognized for 5 minutes.

Mr. DOMINICK. Mr. President, I appreciate the courtesy of my colleague in yielding this time to me.

I desire to express my appreciation of the remarks of the Senator from California [Mr. KUCHEL].

As a sponsor of the pending bill, in view of the present condition of the bill I now have some reluctance in leaving my name attached to it as a sponsor, because it is obvious that the effect of the amendment the Senate adopted a few minutes ago is to make it almost impossible for the Secretary of Labor to certify that any area is available for bracero help under the provisions of Public Law 78.

The effect may well be to stimulate the further immigration of Mexican nationals under Public Law 414, which is the one law which the Mexican Government did not like and the U.S. Government did not like, and which created all the problems for the Immigration Service.

So in the process of adopting the amendment, the Senate has substantially crippled the very effort we were trying to make.

I should like to quote a statement that was made by Robert M. Sayre, acting director of the office of Caribbean and Mexican Affairs before the House Subcommittee on Equipment, Supplies and Manpower during the consideration of the very bill now before the Senate. It bears on the same point that the Senator from California was making.

The statement is as follows:

The second international consideration I should mention is the importance of the program to the economy of Mexico. Mexico has long been rightly proud of its ability largely to pay its own way in the financing of its industrial and social development. To do this it depends in great part on loans which it repays with interest out of its dollar earnings. Mexico also regularly has a considerable trade deficit with the United States. Remittances home from the braceros, estimated to average at least $100 per worker and possibly twice this amount, not only have often substantially supported their families and relatives, but have contributed notably to cover the Mexican deficit in its trade and in repaying its loans. The Bank of Mexico estimated these remittances at $37 million in 1962.

The program also provides an important source of temporary employment for many thousands of Mexican workers. When it is recognized that the annual per capita income in many of the areas from which the Mexican workers come is approximately $100, it can readily be seen how important this supplemental income can be to Mexican workers. This temporary program has thus fulfilled mutually satisfactory objectives: American farmers have been able to obtain temporary agricultural laborers and Mexican workers have been able to earn a fair income under labor conditions satisfactory to both Governments.

The acting director said also:

But I would also want to note that the sudden loss of the dollar income of Mexican workers would be a serious blow to their family income and constitute a significant loss of foreign exchange to Mexico.

So the State Department has unequivocally said that this was a good temporary program, the cutoff of which would substantially hurt not only the American farmers, but Mexico itself. In my opinion, the Senate has done that indirectly instead of doing it directly.

I should also like to quote at this point an article which was published in the Arkansas Valley Journal, Arkansas Valley, Colo., in order to show the effect that the loss of the program would have on agriculture in our country:

If it is allowed to stand, the action of the House of Representatives in Washington last week in refusing to extend the braceros program beyond the end of this year will strike a body blow at Arkansas Valley economy.

The problem of seasonal field labor, viewed from any angle, is not an easy one to solve.

The importation of Mexican national fieldworkers under rigid treaty control has provided a great portion of the Southwest, including the Arkansas Valley, with its only dependable supply of field labor.

Remove the possibility of securing this bracero labor as needed, and many a hard-pressed small farmer—

About which so many of us bleed—

already ground down almost beyond endurance by the cost-price squeeze and the drought, will be forced to quit planting those high-cost, potentially high-return cash crops that require field labor.

So again we have a situation in which we are taking reverse action on the question of trying to solve problems with which we have been dealing for many years. It does not seem to me to make very much sense for the Senate to try to solve agricultural problems, to be of assistance to small farmers, and to try to take action in the field of foreign relations which would help our neighbors and our friends.

One of the most frequently heard arguments against this program is that Mexican laborers are imported into this country to do work which could otherwise be accomplished through the utilization of domestic laborers. The assumption here is that the growers slip quietly down to the border, whisper to some contact there that the crops are almost ripe and somehow smuggle hordes of unsuspecting Mexicans into their fields before the domestic workers know what has happened. This is a very popular inference made by the opponents of this program, but, of course, it is just not true. Critics of the bracero program comes up for extension. I do not believe that the facts would bear out these inferences. In fact, the Secretary of Labor, Mr. Wirtz, in the hearings before the House committee answered these contentions as follows:

So I say to you that in general my answer to your question is that this program is not to date substantially displacing American workers, given the present set of circumstances.

It is true that we have an increasing unemployment problem in this country. However, I believe that we must recognize that the elimination of the bracero program will have little or no affect on this situation. The braceros perform stoop labor and we just cannot get adequate domestic labor to replace them even though there are pockets of unemployment close to areas using the Braceros. In the first place, those who are on unemployment insurance or other relief programs cannot be induced to perform this type of labor. You just cannot get an unemployed coal miner, or bricklayer or carpenter or steelworker to go out and work all day in the hot sun weeding beets.

The fact of the matter is a great deal of effort has been made in the past and continues to be made to insure that domestic laborers are not displaced. Under the provisions of this program, which I might add has the sanction of the Department of Labor, the use of Mexican workers is restricted to instances or areas where they will not compete with domestic labor. Prior to hiring braceros, the Secretary of Labor is required to certify that first, domestic workers, able, willing and qualified are not available; second, the employment of Mexican workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed;" and third, reasonable efforts have been made to attract domestic workers at comparable wages, hour and working conditions. Surely these conditions do not lend themselves toward encouraging, nor even allowing, the situation of the rich plantation farmer taking advantage of the downtrodden peasant as the opposition would have us believe.

The farmer, over the years when the bracero program has been in effect, has been able to better himself in his crop yield. However, the type of crops where bracero labor is utilized does not generally lend itself to increased productivity per man-day. Although great strides toward automation have been made, crops such as tomatoes, lettuce, strawberries, sugarbeets, lemons, oranges, melons, asparagus, celery, and snap beans must still be picked by hand. I might add that they are cash crops and do not contribute in any way to our agricultural surpluses. However, the farmer has little control over the eventual market price. Typically, he cannot pass on his labor costs to the consumers.

In his letter to Congress of March 26, 1963, the Secretary of Labor advises that it is true that the need for Mexican workers has decreased in recent years. He points out that under this program, peak Mexican employment reached 291,000 in 1959, but was only 114,200 in 1962. Overall contracting for them declined from a high of 445,200 in 1956 to 195,000 in 1962. The Secretary then concluded that, in spite of this trend, there will be a definite need for foreign workers in the next year.

I think this is a very valid point, which deserves the attention of all Senators. There is a need for these Mexican workers. The Secretary of Labor did not say it would be desirable, nor convenient, nor economically expedient, but that at the present time there is a need for such supplemental farm labor in some areas. The bracero program is not something which has been confined to just a few Western States. During the course of the program, it has been utilized by about 25 States. These States are:

Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

The abundant availability of canned and fresh fruit and vegetables in the larger States in the eastern seaboard are to some extent dependent upon the utilization of bracero labor in other States which porduce these vital commodities.

There is also some discussion as to whether or not farmers participating in this porgram should provide housing and transportation for domestic workers as they do for Mexican laborers. I should like to call the Senate's attention to a statement in the Agriculture Committee's report on this bill which goes into this point. The committee, in considering this point, reported:

Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture, if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Therefore, the hiring farmer would be placed at a distinct disadvantage should he be required to provide the same transportation and housing facilities for domestic workers, without the same assurances of available labor.

In view of these facts, and reminding the Senators of the unmistakable economic hardship facing the growers, I strongly recommend passage of this bill.

By taking the action it has taken, the Senate has effectually killed a program which has done good in all three fields. That is exactly what has been accomplished by the adoption of the amendment. I hope that despite the action, the bill may still reach the House, and that Members of the House will have an opportunity, by reading the debate today, to change their position in connection with the amendment and to pass the bill without the amendment.

Mr. ALLOTT. Mr. President, does the Senator from Colorado yield back the remainder of his time?

Mr. DOMINICK. I yield back the remainder of my time.

Mr. ALLOTT. I yield 4 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I am deeply sorry that the amendment has been adopted, because it does grievous violence to the bill. However, the bill still should be passed. I should like to express my thanks to the distinguished Senator from Arkansas [Mr. FULBRIGHT] and to the distinguished Senator from California [Mr. KUCHEL] for noting the fact that the failure to pass the bill might hurt American-Mexican relations. A routine study of Public Law 78 would reveal that there are already adequate protections in that bill for domestic farmworkers. What we are doing now is denying the Mexican people their second most important source of dollars.

We are denying a number of underprivileged Mexican people work that they need and desire.

I know that my friends on the opposite side of the aisle who oppose the measure are motivated by humanitarian considerations. I wish they could only stand in the bracero processing center in Monterrey and see there the shrine to Nuestra Senora Guadalupe—Our Lady of Guadalupe—and see the poor Mexican people who have been accepted for bracero work in the United States go before that shrine of Our Lady of Guadalupe and take from their pockets all of their money, their few pitiful centavos, and drop them into a box which is near the shrine—everything that they have—in gratitude because now they have work, they can earn, they can eat, and they will have lodging. If we should kill the program we would deny the satisfaction of a great need to people who should be our best friends—the people of the great Republic of Mexico.

Mr. President, I have prepared some rather lengthy remarks in support of Public Law 78. I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR TOWER

The Senate Migratory Labor Subcommittee, of which I am a member, held hearings on the effect of the Mexican national program on the wages and job opportunities of the American farmworkers. Numerous statements were made that the program has a detrimental effect on domestic workers, and that it has outlived its usefulness. It is my intention to answer point by point the objections of the opposition to the extension of the Mexican national program, and to show the need for continuing the program in certain areas of the country.

First, the need for the program. We could perhaps dismiss this point by referring to the recommendation of the Secretary of Labor that the program be extended for 1 year. However, to determine the real need it is necessary to look at the farm labor force.

The average hired farm labor force has declined from 2,329,000 in 1950 to 1,817,000

in 1962. The most striking feature of the hired farm labor force is its seasonal variation which in 1962 was as follows:

Hired workers on farms

January	811,000
February	995,000
March	1,233,000
April	1,593,000
May	1,992,000
June	2,627,000
July	2,719,000
August	2,651,000
September	2,689,000
October	2,202,000
November	1,385,000
December	902,000

The hired farm labor force consists of permanent workers and seasonal workers. During 1962, the composition of the seasonal labor force was as follows:

[In thousands]

Month	Local domestic workers	Migrant domestic workers	Foreign workers	Total seasonal
January	228.6	42.9	53.8	325.3
February	222.4	40.6	47.3	310.3
March	226.9	38.4	45.8	311.2
April	284.9	48.8	47.4	381.1
May	549.9	116.4	76.9	743.1
June	823.7	212.5	98.3	1,134.6
July	871.5	277.4	70.6	1,219.5
August	726.8	249.5	78.9	1,055.2
September	846.4	228.5	113.9	1,188.8
October	782.7	207.2	112.5	1,102.4
November	364.5	87.3	59.0	510.8
December	228.3	43.3	42.8	314.4

This seasonality as indicated by the foregoing tables is one of the basic reasons for the Mexican National program. The majority of seasonal workers are local people. But in most places the number of local people available for harvesting activity is limited, necessitating the employment of either domestic or foreign migrant workers.

Mexican Nationals are employed primarily on crops requiring the greatest amount of hand labor. For example, every spear of asparagus, every head of lettuce, every head of cauliflower, every shoot of broccoli, every tomato, cucumber, stalk of celery and every strawberry must be harvested by hand to say nothing of other crops such as sugarbeets, oranges, lemons, and cotton which also employ some Mexicans. At the same time of peak labor requirements, there is simply insufficient domestic labor to meet needs.

Furthermore, in areas that are heavily mechanized, there remains a need for some hand labor. In Texas where irrigation water is piped, workers are needed to move the pipe. Where mechanical strippers are used to harvest cotton, workers are used in trailers following the stripper to assure an even and full trailer load of harvested cotton. For these jobs there is an inadequate supply of domestic labor which I shall discuss subsequently.

But the most valid indicator of the need for this program is that the Secretary of Labor found and certified a need for 195,000 Mexican Nationals in 1962 and has himself testified to the need for continuing the program for 1 more year. The administration does propose an additional amendment to grant it further control over the farm work force, but it nonetheless has testified to the need for continuing Public Law 78.

The employment of Mexican Nationals is not inexpensive. Furthermore, their employment is surrounded by numerous restrictions. If there were not a need for Mexican Nationals, farmers would not employ them under the conditions which they must meet to be eligible to contract braceros. To terminate the program at this time or to add any more burdensome amendments or regulations would have a severe and drastic effect upon many farmers. The need for the program will continue as long as there is a need for hand labor.

WAGES PAID FARMWORKERS

The average farm wage rates paid in 1962 compared with the latest available figures are as follows:

Farm wage rates	Average annual, 1962	July 1, 1963
Composite rate per hour [1]	$0.856	$0.872
Per month with house	200	215
Per month with board and room	155	159
Per week with board and room	37.00	39.00
Per week without board and room	47.75	51.00
Per day with house	5.60	5.70
Per day with board and room	6.70	7.40
Per day without board and room	6.90	7.00
Per hour with house	.92	.98
Per hour without board and room	1.01	1.09
Indexes: [2]		
1910–14=100	658	681
1957–59=100	112	117

[1] Weighted average of all rates on a per-hour basis.
[2] Indexes are adjusted for seasonal variation.

Despite the low level of farm income and the increase in farm costs, farm wages have increased substantially over the past several years.

In 1950 the index of composite of farm wage rates was 432; today it stands at 681, an increase of almost 58 percent. Farm labor wages have increased substantially in all States in which Mexican nationals are used. These are shown in the following table:

Composite wage rate per hour

State	1950	1962	Increase	
			Percent	Cents per hour
Michigan	$0.606	$0.908	50	$0.302
Arkansas	.427	.740	73	.313
Texas	.554	.796	44	.242
Colorado	.647	.975	51	.328
New Mexico	.531	.831	56	.300
Arizona	.629	.984	56	.355
California	.884	1.310	48	.426

Basic to the question of the farm wage rates for workers is productivity. Notwithstanding sharp increases in production per worker in American agriculture, labor input per unit of production for many of the operations still performed by hand has not been significantly reduced. An example of such activity is picking fruit. It is in this type of work that most Mexican nationals and for that matter, most seasonal workers are employed.

Because of the relative stability of productivity in these operations, it is surprising that farmers have been able to increase wages paid such workers to the extent that they have, and while these wage rates may not be high when compared with industrial wage levels, they are generally high in relation to the workers productivity and in relation to what the farmer makes by employing such workers.

It is this last factor that is providing a substantial incentive for farmers to mechanize their farming operations to the greatest extent possible.

And in this connection, it should be pointed out that if farmers are forced into a crash program of mechanization, the net result will not be more employment for domestic workers. A two-row cotton picker, for example, can do the work of 50 to 60 hand pickers. This machine replaces jobs not only of Mexican nationals but of domestic workers. Termination of the Mexican national program could well mean a crash program of mechanization in those areas and among those farmers able to afford to mechanize.

Not all farmers, however, could afford to mechanize their farming operation. The shift from hand to mechanical harvesting is a major change in operating a farm. A two-row cotton picker, for example, costs $18,000. Aside from this large investment other matters must be considered such as size of farm operation and land topography.

Of course, mechanization is going to occur in any event. In cotton, for example, 34 percent of the 1958 crop was picked mechanically. Of the 1962 crop, 70 percent was harvested mechanically. Mechanization offers farmers the opportunity to achieve real savings in production costs. It brings efficiency to all of agriculture. But it will make a great deal of difference to farmers and related industries as well as to workers if the adjustment is made gradually and on a sound basis rather than forced and premature.

THE EMPLOYMENT OF MEXICAN NATIONALS IS NOT HARMFUL TO SMALL FARMERS

Small farmers would actually be more seriously affected than large farmers by ending the Mexican national program, or making it more restrictive than it already is. It is the crop which a farmer produces that determines the need for labor, not so much the size of his operation. Crops with a high labor requirement, demand hired labor virtually without regard to the size of the farm. Fruits and vegetables are in this category.

Any shortage of farm labor would, therefore, affect small farmers more adversely than larger farmers. This is true because whenever costs of production rise, farmers, where possible, convert to mechanization. The smaller farmer would have more difficulty in obtaining capital for mechanizing his operation. Furthermore, the cost of mechanization per unit on a small volume of production would be prohibitive.

The Department of Labor points out that 33,214 farms employed Mexican nationals in 1962. This, however, does not mean that the program is important only to those farmers. In a given area, there may be 100 farms who employ Mexican nationals, but there may be 2,000 farmers who would be seriously affected if the program would be terminated by the resulting labor supply situation.

THE MEXICAN NATIONAL PROGRAM IS NOT RESPONSIBLE FOR SUBSTANTIAL UNDEREMPLOYMENT AND UNEMPLOYMENT OF DOMESTIC FARMWORKERS

Under Public Law 78, supplemental workers cannot be contracted until all available domestic workers have been employed. Certification for the employment of supplemental Mexican national workers must be obtained from the State Employment Service, as well as the U.S. Department of Labor. All domestic farmworkers' jobs are protected.

The question here is one of time and place. During the period of the year in which most Mexican nationals are employed, there is a general shortage of farmworkers in all areas. Virtually all qualified workers looking for jobs are employed. Though there may be unemployed farmworkers during the winter, there can still be a major shortage in the fall. Also, there frequently is and can be a shortage of farmworkers in the areas in which Mexican nationals are needed even though there may be at the same time unemployed farmworkers in other areas.

THE CURRENT HIGH LEVEL OF GENERAL UNEMPLOYMENT IN UNITED STATES DOES NOT MEAN MEXICAN LABOR PROGRAM SHOULD BE TERMINATED

There is general agreement that all domestic workers who are willing to accept and are available for farm employment should be given a priority for such employment.

The Department of Labor has required employers of Mexican nationals to employ any and all qualified workers referred to them. There are occasional complaints that domestic workers are unable to find jobs because of the employment of Mexican nationals. There is no basis for these complaints. All

the worker has to do is to visit the local employment office and he will be employed.

Public Law 78 requires the Secretary of Labor, before an employer is certified for Mexican nationals to determine and certify that—

1. Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work;

2. The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

3. Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

To the extent that domestic workers are or may be available, these provisions assure they will receive priority.

It is inconceivable that a sufficiently large number of domestic workers will be available so that Public Law 78 may be discontinued without drastic impact upon farmers.

Most of the work at which Mexican nationals are employed may be properly described as "stoop labor." Most U.S. citizens are not interested in this kind of work except as a last resort.

U.S. citizens are interested in permanent jobs, involving permanent residence, rather than the temporary and intermittent employment of the type performed by Mexican nationals.

In connection with the argument that American workers are willing to perform "stoop labor," the statement of Mr. Max Henderson submitted to the House Subcommittee on Equipment, Supplies, and Manpower during the 1961 hearings on the extension of the Mexican labor program, is particularly appropriate. Mr. Henderson quoted the remarks of former Congressman Bentley during the hearing before the subcommittee in 1958 as follows:

"Mr. Chairman, one of the popular fallacies in today's unemployment situation is the belief that somehow industrial unemployment contributes to the agricultural labor supply. In my State of Michigan, as I said, we have been harder hit by industrial layoffs than any other area in the country. I think our percentage of unemployment now is roughly 18.5 percent of the employable labor force. In spite of this, there has been no appreciable increase in the number of local workers ready, willing, and able to undertake agricultural employment.

"A specific example is the following account of the recruitment program carried out jointly by the Michigan State Employment Service and a large growers' organization within the State—Michigan Field Crops, Inc.—just 3 weeks ago in Detroit.

"An order for domestic workers was placed by this growers' organization with the Michigan Employment Service. The number of workers needed was 4,600. I might remind the committee that Detroit was a city which was reported at mid-April to have 275,000 persons unemployed.

"In line with usual procedure, the employment service carefully reviewed their files and assembled for interviewing 365 men who by their own statement at the time of application for work had indicated some farm background or experience. The employer's representative talked to these men as a group, explaining what the work would consist of—in this case the thinning of sugarbeets—and requested those still interested to remain for a personal interview. Of the 365, 184 stayed on to be interviewed personally.

"Of the 184 interviewed personally, 86 were tentatively accepted for employment. Those who were rejected fell into the following categories:

Obvious bums, had been drinking prior to interview	2
Parolees, only agricultural experience was on prison farms	9
Over 50 years of age, experience has shown that men above 50 cannot satisfactorily perform the admittedly strenuous work of thinning beets	3
Under 18 years of age, unattached males under 18 have proved worthless in all past experience	4
Claimed agricultural experience, but in response to key questions were found to have had none	13
Claimed no agricultural experience of any kind on personnel interview	42
Rejected for various reasons not detailed in a personal way but based on the judgment of the interviewer	25
Total	98

"Of the 86 accepted for work, 12 were experienced beet workers with a background which made them quite desirable. The remaining 74 were sent letters advising them when and where to appear to be transported to their place of employment. Of these, 39 actually appeared on the day to be transported. Of these 39, 15 worked 1 day and left the next morning. The remaining 24 are presently at work and are accomplishing about 15 percent of the work output per day per man that experienced workers average.

"The above example does not recite the man-hours of effort on the part of the Michigan Employment Service and on the part of key personnel in the growers' organization during the experiment. Neither does it set forth the sizable amounts of money spent by the employment group to send personnel to handle the interviews and to furnish transportation, some of which was never used."

Mr. Henderson added:

"Our job offer to domestics is equal to or better than that offered by other crops in the Midwest. Transportation is paid gratis from point of recruitment to place of employment. Housing is provided gratis and meets any reasonable standards which have so far been advanced. Starting this year domestic workers will be covered by hospital and medical insurance, with the worker paying the nonoccupational portion and the employer paying the occupational portion in the same manner as insurance is provided for Mexican nationals. Wages for sugarbeet work in our area have always been in excess of those determined by the Secretary of Agriculture to be fair and reasonable. This determination is made annually after hearings at which all interested groups are heard."

THE MEXICAN FARM LABOR PROGRAM IS IMPORTANT TO MEXICO

The State Department estimates that remittances home from braceros averaged at least $100 per worker and possibly twice this amount. The Bank of Mexico estimates these remittances at $37 million in 1962. This money has contributed to a great extent to cover the Mexico trade deficit and has enabled Mexico to repay its loans. But the importance of the bracero program extends beyond this. It offers an opportunity for Mexicans to learn new skills and cultural practices. Many of the most prosperous farmers in certain areas of Mexico owe their success in large part to the skill and experience gained as a bracero in the United States.

Mr. TOWER. I yield back the remainder of my time.

Mr. ALLOTT. Mr. President, I yield 2 minutes to the distinguished Senator from Arizona [Mr. GOLDWATER].

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 minutes.

Mr. GOLDWATER. Mr. President, when Senators from the Far West and the Border States are asked to vote on a measure which would have no particular effect on us, we take particular pains to ask Senators from those areas of the country whom the proposed legislation might affect how the vote would best help them. I suggest in all sincerity, in all respect to the honesty of Senators, that many are voting today who do not understand the problem that we on the Mexican border and near it face. Farmers in the Far West and Southwest cannot obtain stoop labor. Farmers are competing with industrial plants in a fast-growing industrial complex. We would not have had crops if it were not for the Mexicans who come into our country. Several Senators have alluded to that. I reemphasize it because I have been in Mexico many times. I have seen what the money obtained by Mexicans under the program has done in States like Sonora and Coahiula. I know the braceros, because for many a day in my home city of Phoenix I was one of the few people who spoke Spanish, and they came to me to cash their checks.

As I traveled in Mexico, I made it a point to see what had been done with the money. This money has established many braceros as farmers in Mexico. It has enabled many to improve their standards of living.

I have yet to meet a Mexican official who has not told me that this is the most constructive thing the United States has ever done to better the relationship between our countries.

If there is to be a final vote on the question of passage of the bill, I hope that many Senators who have voted to work a hardship upon the western and southwestern farmers will repent and think a little of their brethren in the Senate and of the plight of the farmers in our particular section of the country.

Mr. GORE. Mr. President, I ask for the yeas and nays on the question of passage of the bill.

The yeas and nays were not ordered.

Mr. ALLOTT. Mr. President, I yield to the distinguished Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ELLENDER. What is the status of the bill?

The PRESIDING OFFICER. The bill has been read the third time. The question is, Shall it pass?

Mr. ELLENDER. Mr. President, I was not aware that the bill had been read the third time. I never heard it. I have been sitting at my desk all this time.

I now move to reconsider the vote by which the bill was read the third time.

The PRESIDING OFFICER. The question is on agreeing to the motion to reconsider the vote by which the bill was read the third time.

Mr. McCARTHY. Mr. President, I move to lay that motion on the table.

Mr. ELLENDER. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Louisiana has 15 minutes on the motion to reconsider; does he yield back his time?

Mr. GORE. A point of order, Mr. President. A motion to lay on the table is not debatable.

The PRESIDING OFFICER. Under the unanimous consent agreement, the motion to lay on the table is not in order until the Senator from Louisiana has utilized his time or yielded it back.

Mr. GORE. Mr. President, would the Presiding Officer restate that.

Mr. ELLENDER. Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Louisiana has yielded back his time. The motion to table is in order.

The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the bill was read the third time. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. BAYH], and the Senator from Michigan [Mr. HART] would each vote "yea."

On this vote, the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Florida would vote "nay."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Mexico would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "yea," and the Senator from New Mexico would vote "nay."

The result was announced—yeas 45, nays 45, as follows:

[No. 140 Leg.]

YEAS—45

Anderson	Humphrey	Monroney
Bartlett	Inouye	Moss
Beall	Jackson	Muskie
Boggs	Javits	Nelson
Brewster	Johnston	Neuberger
Burdick	Keating	Pastore
Cannon	Kennedy	Pell
Case	Magnuson	Proxmire
Church	Mansfield	Randolph
Clark	McCarthy	Ribicoff
Dodd	McGee	Scott
Douglas	McGovern	Smith
Fong	McIntyre	Symington
Gore	McNamara	Williams, N.J.
Hartke	Metcalf	Young, Ohio

NAYS—45

Alken	Fulbright	Morton
Allott	Goldwater	Mundt
Bennett	Gruening	Pearson
Byrd, Va.	Hayden	Prouty
Byrd, W. Va.	Hill	Robertson
Carlson	Holland	Russell
Cooper	Hruska	Simpson
Cotton	Jordan, Idaho	Sparkman
Curtis	Jordan, N.C.	Stennis
Dirksen	Kuchel	Talmadge
Dominick	Lausche	Thurmond
Eastland	Long, La.	Tower
Ellender	McClellan	Williams, Del.
Engle	Miller	Yarborough
Ervin	Morse	Young, N. Dak.

NOT VOTING—9

Bayh	Hart	Mechem
Bible	Hickenlooper	Saltonstall
Edmondson	Long, Mo.	Smathers

So Mr. McCARTHY's motion to lay on the table Mr. ELLENDER's motion to reconsider the vote by which the bill was read the third time was rejected.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Louisiana to reconsider the vote by which the bill was read the third time.

Mr. MOSS. Mr. President, I ask for the yeas and nays

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Missouri [Mr. LONG], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I further announce that, if present and voting, the Senator from Indiana [Mr. BAYH], the Senator from Oklahoma [Mr. EDMONDSON], and the Senator from Michigan [Mr. HART] would each vote "nay."

On this vote, the Senator from Nevada [Mr. BIBLE] is paired with the Senator from Florida [Mr. SMATHERS]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Florida would vote "yea."

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "nay" and the Senator from New Mexico would vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

On this vote, the Senator from Missouri [Mr. LONG] is paired with the Senator from New Mexico [Mr. MECHEM]. If present and voting, the Senator from Missouri would vote "nay" and the Senator from New Mexico would vote "nay."

The result was announced—yeas 45, nays 45, as follows:

[No. 141 Leg.]

YEAS—45

Alken	Fulbright	Morton
Allott	Goldwater	Mundt
Bennett	Gruening	Pearson
Byrd, Va.	Hayden	Prouty
Byrd, W. Va.	Hill	Robertson
Carlson	Holland	Russell
Cooper	Hruska	Simpson
Cotton	Jordan, N.C.	Sparkman
Curtis	Jordan, Idaho	Stennis
Dirksen	Kuchel	Talmadge
Dominick	Lausche	Thurmond
Eastland	Long, La.	Tower
Ellender	McClellan	Williams, Del.
Engle	Miller	Yarborough
Ervin	Morse	Young, N. Dak.

NAYS—45

Anderson	Humphrey	Monroney
Bartlett	Inouye	Moss
Beall	Jackson	Muskie
Boggs	Javits	Nelson
Brewster	Johnston	Neuberger
Burdick	Keating	Pastore
Cannon	Kennedy	Pell
Case	Magnuson	Proxmire
Church	Mansfield	Randolph
Clark	McCarthy	Ribicoff
Dodd	McGee	Scott
Douglas	McGovern	Smith
Fong	McIntyre	Symington
Gore	McNamara	Williams, N.J.
Hartke	Metcalf	Young, Ohio

NOT VOTING—9

Bayh	Hart	Mechem
Bible	Hickenlooper	Saltonstall
Edmondson	Long, Mo.	Smathers

So Mr. ELLENDER's motion to reconsider the vote by which the bill was read the third time was rejected.

Mr. DIRKSEN. I yield 3 minutes to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, the Senate should kill any extension of Public Law 78, which provides for the importation of Mexican workers into the United States to work on farm crops under conditions which only the most economically and socially depressed of our own citizens will accept.

Earlier this year the House of Representatives rejected the attempts of a few special interests to perpetuate this system of virtual peonage under which Mexican men are forced by economic necessity to separate from their families for many months and accept whatever hours, wages, and living conditions are imposed upon them. I would hope that this body, in its wisdom, would see fit to vote down this hasty attempt to continue a program which is contrary to all our democratic principles.

I say that this is a hasty attempt. It is. No Senate hearings were held on this legislation, which would extend the bracero program for 1 year. The only departmental communication concerning this matter accompanies a draft bill which would continue the program only on condition that employers seeking Mexican workers "offer domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses comparable to those required to be furnished the Mexican

workers." We are, in effect, voting upon this bill with the only substantial recommendations of any kind, pro or con, being contained in testimony by the Department of Labor at a hearing which was convened at the last moment on another bill, S. 527. At that hearing the Under Secretary characterized Public Law 78 as a wretched law that should be buried. In addition, we have a very brief last minute letter from the Department of Agriculture supporting the bill only if amendments are made.

Mr. President, the Secretary of Agriculture should have been requested to appear before the Agriculture and Forestry Committee to explain the full consequences of amending the program as recommended by the Secretary of Labor or of ending the program forthwith this year in accordance with the actions of the House of Representatives.

Why wasn't he requested to appear? He did not appear in the House. His testimony is essential. Was it because it was well known that he would oppose extension of this bill without amendment. Of course.

The Secretary of Agriculture is the Nation's expert on our farm economy. He should, therefore, report to the Senate through the Agriculture Committee on the consequences of these alternatives in terms of farm proprietor income, domestic farmworker income, the effect on harvesting activities of the absence of braceros and the availability of domestic farmworkers in the event of higher wages.

It is said that these Mexican workers are used only because American labor will not do the job. The term applied to this work is "stoop" labor and we are told that it will not be done by U.S. citizens. I will not go into the moral questions raised by using Mexican nationals to perform work which is either so demeaning or so poorly paid that we cannot expect our own citizens to perform it, although, were I Mexican, I would hardly be pleased by this distinction between the citizens of Mexico and the citizens of the United States. This charge needs heavy qualification and could not be sustained if decent wages, working conditions, and living conditions were made available to domestic migrants.

An interesting statement used to bolster the argument that domestic workers will not do the same work is that the "Michigan Employment Security Commission, in attempting to place urban unemployed"—I want to stress those two words, "urban unemployed"—"into seasonal agricultural jobs found fewer than 1 out of 20 stayed on the job long enough to have a successful work completion record." I have no doubt that these figures are so. I have no doubt that if untrained migrants were put to work in a steelmill with no preparation the job completion record would be equally abysmal. But there was a higher percentage of rural unemployed in this country in 1962, 7.3 percent, than urban unemployed, and it is this group of unemployed that have the background and the experience to harvest seasonal crops. It has been pointed out that students seeking summer jobs cannot bring in the crops fast enough. This is no reason to bring in Mexican labor to perform work which our rural unemployed are willing and able to do.

I will concede that, given present wage scales in agriculture, many Americans would not do seasonal farm labor. But why do we accept this as a reason for bringing in imported farm labor? It has not been accepted in any other business, because American workers would not stand for it. The domestic migrant, however, has no unions, has no cooperatives. He is low man on the economic totem pole, and consequently his rights to compete with other Americans in the marketplace for a living wage can be taken away from him without fear of reprisal or outcry. And, Mr. President, generally he has no vote. He drives from State to State. He does not have a State. Anyone who finds the labor vote hard to understand, there is your answer. The fact of the matter is that the constant threat of an inexhaustible cheap labor force below our borders drives down and keeps down the wages paid to domestic migrants. If seasonal farmworkers were given the opportunity to compete with their fellow Americans for these jobs, the producer might have to pay higher wages to get a sufficient number of workers, but the standard of living and the purchasing power of our domestic migrants would go up, most of the 195,000 jobs filled by Mexican nationals in 1962 would be filled by presently unemployed Americans, and the manpower resources of this country as well as our economy as a whole would be by that degree enriched.

At this point it might be helpful to examine some estimates, taken from the House report on a similar extension bill, which indicate what increased farm labor costs would mean to the American consumer.

A 20-cent-an-hour increase in return for all labor, hired or family, involved in cotton production would increase the average family's expenses for all of its cotton goods by $1 a year.

A 20-cent-an-hour increase for sugarbeet workers would increase sugarbeet costs about one-twentieth of a cent a pound—an amount too small to affect the retail price.

A 20-cent increase in farm labor costs in raising and harvesting lettuce would increase costs by one-fifth of a cent a head.

It is said that under subsection (2) of section 503 of the act permitting the use of Mexican farm laborers the Secretary of Labor must certify that the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed. However, as I have said, the constant availability of this cheap labor keeps wages down. Moreover, House hearings revealed that many employers of the bracero systematically refuse work to domestic farmworkers or harass them into quitting once they are hired in order to take advantage of the ready supply of cheap Mexican labor. Even the limited efforts of the Secretary of Labor to set wage rates at a minimal level have come under attack. The House report on a similar bill states:

> Congress only intended that he [the Secretary] determine adverse effect on the basis of the prevailing wage. The so-called adverse effect wage orders are presently being challenged in the courts, and it is expected that the courts will in due course curb this unwarranted usurpation of power by the Secretary of Labor.

Thus if this legislation is passed, we can expect to see wage levels for our domestic migrants decrease because of the withdrawal from the Secretary of Labor of the power to set decent wage levels.

Many growers prefer to use braceros because they do not travel with their families, having left them behind in Mexico. Consequently they are easier to house. Because braceros fear being returned to Mexico if they cause any trouble, it is easy to control the movements and work habits of these men, and I might add, easy for unscrupulous growers to shortchange the men without fear of protest. These advantages are gained at the expense of the human dignity of the men themselves and the well-being of their families who are deprived of the head of the household for 6 months at a time. In fact, the Mexican clergy has deplored the effect that the loss of these workers has on the family they have left behind. Many leaders believe that the migration of hundreds of thousands of men each year causes harm to the family structure and village life.

Any supposed advantages to be gained by the legislation under consideration today are by no means nationwide. As a matter of fact, two States, California and Texas, account for 79 percent of the total man-months of Mexican labor. Most of the remaining Mexican labor was confined to farms in the four States of Arizona, Arkansas, Michigan, and Colorado. The Mexican farm labor program serves less than 1 percent of American farmers, and these farmers are usually the large corporation grower. The smaller family farm generally uses no hired farm labor at all. Consequently, the annual migration of large masses of Mexican workers helps the large corporation farm at the expense of the family farm which has for so long been the backbone of our agricultural economy. The low wages prevailing under the braceros program enables the corporation farm to compete unfairly through the subsidy of a Federal Government program. Although family farms are the most efficient producing units in American agriculture today, they are failing because of inadequate capital and the difficulty they have in competing with the farm whose absentee owner offsets his farming losses against profits made in industry or commerce. With increased concern being voiced for the migration of the farmer to urban areas, with all the unemployment problems which this movement creates, the continuation of this program, putting the family farm at a further competitive disadvantage, accentuates an already deepening problem.

The House report on a 2-year extension of the program states that the braceros program has virtually eliminated wetbacks, illegal aliens from south of our borders. The uninformed reader

would indeed be surprised to note that wetbacks were reduced from 1,075,168 in 1954 to 242,608 in 1955 and might be inclined to attribute this to the braceros program. However, the fact is that during the years 1954 to 1955 a more stringent border control was set up, preventing great numbers of wetbacks from entering the United States. It might also be noted that although the number of braceros decreased from 437,643 in 1959 to 194,978 in 1962 the number of wetbacks coming into the United States remained approximately 30,000—virtually the same. If we follow the logic of the wetback argument, a decline in braceros should mean an increase in wetbacks.

To sum up, an extension of Public Law 78 for the sixth time would intensify the unemployment problem, perpetuate substandard wages, benefit the large farm at the expense of the small family farm and, most important, sanction government interference with free enterprise determination of wages through supply and demand.

Mr. President, I am opposed to this program because it costs the American taxpayers $870,000 a year.

How in the world can we justify spending nearly a million dollars to import foreign workers when we have 4½ million unemployed in this country?

No country in all history has ever had a government program of importing hundreds of thousands of workers subsidized by its own taxpayers, especially when that country's prime economic problem is unemployment.

Mr. President, the National Association of Manufacturers and the United States Chamber of Commerce should have been before the Congress opposing this program. They missed a mighty good bet in their role as champions of free enterprise and opponents of government interference with business.

What is the Government doing in this program if not interfering with the free forces of supply and demand? Is it not subsidizing a program that keeps domestic farm wages from rising? Of course they will rise if Mexican braceros are not shipped into this country by our Government.

What else could possibly happen to wages of farmworkers if 200,000 Mexican workers working for a few cents an hour are not brought into this country?

Some Senators argue that if this Government subsidized program of low-wage workers is killed, producers will automate.

What's wrong with that?

That means crops will be harvested in effect by factory labor that produces the machines rather than by foreign workers.

Mr. President, this is a simple choice: should American wages be determined by the free play of supply and demand in accordance with the same principles of free enterprise or should they be fixed, artificially depressed by Government subsidized importation of low wage foreign workers.

Mr. President, a vote against this bill is a vote for economy, for free enterprise and for a real, fighting chance for the American farmworker, the man at the bottom of the Nation's economic ladder.

Mr. DIRKSEN. I yield 2 minutes to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I wish to express my support for the position on S. 1703 which has been taken by my distinguished colleagues on the Agriculture Committee, the Senators from Minnesota [Mr. McCarthy], Wisconsin [Mr. Proxmire], and Oregon [Mrs. Neuberger]. After careful consideration of the testimony and facts concerning the Mexican farm labor program, I can only conclude that an extension of the present law is not in the interest of the American people. Several years ago as a Member of the House of Representatives, I introduced legislation calling for a gradual phaseout of the importation of foreign labor. I think it is unfortunate that my proposal was not accepted then

In signing the last bill to extend Public Law 78, President Kennedy spoke wisely when he said that "The adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact. We cannot afford to disregard it. We do not condone it. Therefore, I sign this bill with the assurance that the Secretary of Labor will, by every means at his disposal, use the authority vested in him under the law to prescribe the standards and to make the determinations essential for the protection of the wages and working conditions of domestic agricultural workers."

Mr. John Henning, Under Secretary of Labor, made clear in his testimony to the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare what the standards should be under which this program might be extended. These include an amendment to Public Law 78 to provide our own citizens with occupational insurance, housing, and transportation benefits comparable to those now guaranteed to Mexican nationals by the growers. As the program now stands, our American migrant farm workers are suffering from unfair competition from imported labor. With several millions of our own citizens unemployed and unable to find jobs, it simply does not make sense to make even worse the lot of the most vulnerable workers in our economy. Nearly 200,000 workers came into the country under the Mexican labor program in 1962 and previously the figure had reached nearly a half million. "In terms of human values, in terms of human necessity," as Mr. Henning testified, "we must place the emphasis of our efforts upon preserving and enhancing the rights of our own workers to job opportunities in this country." Certainly it makes no sense for Americans to subsidize, at the expense of all of us, a program which aggravates the condition of American workers.

I would like to call special attention, Mr. President, to the statement of the Reverend James L. Vizzard, S. J., of the National Catholic Rural Life Conference concerning the impact of this program on our relations with Mexico. Father Vizzard said:

> The final comment I would like to make * * * is that it has been repeatedly emphasized that this is a very appropriate way of carrying on a foreign aid program for Mexico. It has repeatedly been emphasized that those of us who oppose the bracero program are in some way opposed to the Mexican people or are opposed to the advancement of the Mexican economy.
>
> Nothing could be further from the truth. Our record is clean on this, and it is emphatic. We are very strongly in favor of all-out effort on our part to bring economic assistance, technical assistance, and financial assistance to Mexico, and indeed to all the other countries under the Alliance for Progress. We have consistently recommended and fought for adequate appropriations and sound administration of these programs and will continue to do so. We are not antibracero; we are not anti-Mexican. We simply think this purported foreign aid program by which Mexican braceros are allowed to work in this country is the most objectionable.
>
> Why should the poorest people in the United States, our domestic farmworkers, be required to carry a burden of a purported foreign aid program, which if conducted, and it should be conducted, should be paid out of the tax funds of the general citizenry. We are for assistance to Mexico, but not at the cost of the poorest people in the United States.

This is exactly my position, Mr. President—I am for assistance to Mexico and for aiding the braceros, but not at the cost of the poorest people of the United States. I hope that this body will not approve any law that does not contain reasonable safeguards to prevent further adverse effects on the conditions of these citizens, and I favor the amendment of the bill to include such safeguards.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. HUMPHREY. Mr. President, on that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, how much time remains on the bill?

The PRESIDING OFFICER. The Senator from Illinois has 7 minutes remaining.

Mr. DIRKSEN. Mr. President, I yield 5 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, Senate bill 1703, which I introduced for myself and on behalf of my colleague from Colorado [Mr. Dominick], would extend Public Law 78 for 1 year. It would allow the importation of Mexican nationals for temporary farm labor—the so-called braceros—for 1 more year.

Numerous questions have been raised which I think should be answered at this time. During the last few hours I have heard recitations of statements quoting persons who know nothing about the problem. I suggest to anyone who is interested that if he will consult the hearings held by the House committee on this subject from March 27 to March 29, 1963, he will find that only 5 States are really involved to any extent in this question. They are Arizona, Arkansas, California, Colorado, New Mexico, and Texas. These are the States which largely use the braceros.

First, let us consider whether there is a need for braceros. There is a need. If Senators from other States will visit the States which are involved in this problem, they will soon learn that the

situation is as those of us who are from those States have represented them to the Senate.

The Senate has adopted the amendment; there is no use going back over the track again. The amendment makes the bill practically worthless. However, I shall still vote for the bill, in the hope that the House probably can work its will and make it a good bill.

The question has been raised as to whether these particular workers are available. Let me quote a statement by the Rocky Mountain Canners' Association. In a letter to me, the association has set forth its need for the program.

Should the bracero program terminate on December 31, 1963, it would mean that several thousand domestic farmworkers would have to be recruited in Colorado and Utah if canning crops are to be harvested. This afternoon, I talked to Utah's farm labor employment people who say that such recruitment in Utah is practically an impossibility. The situation in Colorado would be more serious inasmuch as your State uses more Mexican nationals than Utah does.

Mr. President, I could continue with many such quotations, because it is a fact that this particular type of labor is not available in those States. It is not feasible to take a man who has worked at a lathe and is now unemployed, or a man who has worked as a carpenter and is unemployed, and use him, under the employment regulations of this country, for stoop labor in the field. In the first place, most of such persons are not physically equipped, after doing the work for which they are trained, to do the hard type of labor in the fields.

I point out one other item in particular. No matter what anyone may say, no matter how many times other statements are repeated, three things are a fact. First, the law provides that the Secretary of Labor must certify that domestic workers, workers who are willing and qualified, are not available. Surely those who are opposed to the bill do not distrust the Secretary of Labor. Are they saying that they do not trust him? He has worked on the problem. I trust him. I know he has done good work in this respect.

Second, the employment of Mexican nationals will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed. The Secretary of Labor must determine that this program will not adversely affect the wages or working conditions of domestic agricultural workers similarly employed. He does that. He must do it before Mexican nationals can be imported into the United States.

Third, the Secretary of Labor must find that reasonable efforts have been made to attract domestic workers at comparable wages, hours, and working conditions.

I might also add that Mexican nationals are used for hand labor only; they are not allowed to operate machinery. So they do not compete with American labor in any sense of the word.

Congress has placed upon the Secretary of Labor the burden of determining all these facts. He has done so time and time again; in fact, he has been so conscientious about it that crops are known to have spoiled in the field while his determination was awaited.

The program is carried on with the approval of the Mexican Government. There is presently an agreement with Mexico which can be extended. The mechanics of the program are: that it is administered by the Department of Labor; that the Department recruits and places workers for the program, and guarantees their wages. The farmers who use the workers indemnify the Government for the wage guarantee and pay a $15 fee for each worker hired, in addition to paying the wages and transportation. Thus the program is almost entirely self-supporting although administered by an agency of our Government.

The use of Mexican nationals in the type of work under discussion has declined in the last few years, but they are still very much needed in certain areas and for certain crops. Peak employment under the program essentially as it exists today was in 1959, when 291,000 Mexican workers were used in this country. Last year, according to Labor Department figures, the number had declined to 114,200. This may be due to increasing mechanization on our farms, but there are still large numbers of small farmers raising crops which must be tended and harvested by hand who must use this source of labor if they are to get a crop. Berries, peaches, apples, carrots, lettuce, sugarbeets, cotton, tomatoes, pickling cucumbers, and other fruits and vegetables require hand labor at some stage of their development.

Now, I am concerned as is anyone else about our domestic migrant farm laborers. If this program were throwing our own people out of work, or lowering their standards of living, then I would have serious reservations about extending it; but the program is allowed to function only where farmers need help, that is, where hand labor is needed and domestic laborers are not available to perform it.

Further, the program benefits our whole economy. It has been charged that the whole operation is subsidized help for the benefit of a few of our people. This simply is not true. Without it, the crops of many small farmers would not get harvested. Prices of farm products in many cases would be higher to the ultimate consumer, so it is clear that the consumer is the beneficiary of the bracero program. And this is true not only of fresh produce, but of canned items as well. Not only the ultimate consumer, but processors of the food, benefit. The extent of the problem to others than the farmer directly concerned is shown in an editorial which appeared in the Arkansas Valley Journal, published in a part of Colorado which I know intimately. The economy is largely agricultural in the valley, and what happens to agriculture happens in almost the same measure to everything else there. Here is what the Arkansas Valley Journal had to say on the question of extension of Public Law 78:

The problem of seasonal field labor, viewed from any angle, is not an easy one to solve. The importation of Mexican national fieldworkers under rigid treaty controls has provided a great portion of the Southwest, including the Arkansas Valley, with its only dependable supply of field labor. Remove the possibility of securing the braceros labor as needed, and many a hard pressed small farmer, already ground down almost beyond endurance by the cost-price squeeze and the drouth, will be forced to quit planting those high-cost, potentially high return cash crops that require field labor. Such outfits as the Western Canning Co. at La Junta and the Diven Packing Co. at Fowler, with no assurance that it will be possible to get the crops harvested, many will be forced to close, with resulting increased unemployment throughout the valley.

The Rocky Mountain Canners Association, headquartered in Salt Lake City, strongly favors the extension of the bracero program. In two separate letters to me, the association sets out their need for the program. They say:

Should the bracero program terminate on December 31, 1963, it would mean that several thousand domestic farmworkers would have to be recruited in Colorado and Utah if canning crops are to be harvested. This afternoon, I talked to Utah's farm labor employment people who say that such recruitment in Utah is practically an impossibility. The situation in Colorado would be more serious inasmuch as your State uses more Mexican nationals than Utah does.

And again:

The canning industry in the Rocky Mountain area needs a continuation of the Mexican national labor program whereby supplementary farm labor is made available for the growing of canning crops. Without this labor our industry would be in considerable jeopardy. We have made good success with mechanical harvesting of beans and peas but mechanical picking of tomatoes and cucumbers is 5 to 10 years away. Meanwhile, the extension of the bracero program is essential to our survival.

I have received many, many letters from farmers and processors of farm products in my State. I would like to quote from just two letters I have received from what I think are the two largest processors of farm products—other than meat—in Colorado. The Kuner-Empson Co., of Brighton, cans a large amount of vegetables grown in Colorado. They say:

It has been impossible for us to recruit sufficient local labor or from other State areas for the harvesting of pickles and tomatoes which require hand labor. These two canning crops are among the more important commodities where mechanization is still unable to take over the harvesting jobs. The development of mechanical harvesting equipment for these two crops is presently the subject of major research projects. These projects must be correlated with plant breeding in order to develop varieties which are adaptable to mechanical harvesting.

Likewise, the Great Western Sugar Co., the largest processor of beet sugar in Colorado, says that the beet sugar crop is dependent in large measure on the bracero program:

As you know, we are greatly concerned about the future of the Mexican national agricultural worker program and the effect the loss of these workers would have not only upon sugarbeets but also upon the agricultural economy of Colorado and the Rocky Mountain area. It is our hope that the information contained in this letter will be of value to you in your effort to obtain an extension of the present program.

When sugarbeets were first grown for processing in our area, there were a sufficient

number of agricultural workers available locally to handle all of the fieldwork and it was not until 1919 that shortages of workers developed. That year our company first began to assist our growers in obtaining the workers they needed and, except for 2 or 3 years during the great depression, we have annually performed this service.

During the years of World War II when domestic fieldworkers were in such short supply, various agencies of the Government supplemented our efforts and supplied prisoners of war, Jamaicans, British West Indians, and Mexican nationals for beet work. In the years prior to and shortly after that war, we were able to obtain enough domestic workers to fill the shortages. In 1951, however, the supply of workers was insufficient to fill the needs and that year, and ever since, we have been forced to contract Mexican nationals to fill this need.

The recruitment efforts made annually on behalf of our growers have been intensive, well organized, and very costly. They have been nationally recognized. Although most of the domestic workers are recruited in Texas, some come from Arizona, New Mexico, Oklahoma, and nearby States. The Colorado State Employment Service has also recruited workers for our growers for a number of years. Nevertheless, the domestic recruitment efforts have not produced the total number of workers needed. Whereas, 18,000 domestic workers were recruited in 1950, the same intensified recruitment efforts this past spring only produced 3,609 workers plus 542 workers by the Colorado Employment Service. As a result, we were forced to contract 9,061 Mexican nationals to complete the sugarbeet thinning and hoeing operations.

Had it not been for the adoption of labor-saving practices, our annual needs would be far greater. The harvest operations are now completely mechanized. The development of different types of seed has made the thinning job easier, resulting in the need for fewer workers. Our agricultural research department is internationally recognized as a leader in its field but until they, or others, develop a mechanical or chemical method of eliminating weeds, our growers must have fieldworkers.

We know that you are completely aware of the seriousness of our labor supply problem and we certainly appreciate the efforts that you have made in your attempts to obtain an extension of Public Law 78. Please do not hesitate to call upon us if there is any additional information you might need.

Naturally, the largest volume of my mail is from Colorado, but the support for extension of the program is widespread. Secretary of Labor Wirtz testified before the House Agriculture Committee on March 27, 1963, in favor of extending the law for another year. Likewise, Robert M. Sayre, Acting Director of the Office of Caribbean and Mexican Affairs, Department of State, testified before the House committee in favor of this program. The testimony by those two gentlemen shows that the program has been beneficial to the United States and to Mexico, the two countries concerned.

The program is favored by the American Farm Bureau Federation, representing 1.6 million members; the National Council of Farmers Cooperatives, with 3 million farmer members; the Vegetable Growers Association of America, which has 52 affiliated associations representing membership in 30 States, composed of medium-sized, family-operated vegetable farms in the Southeast and the Midwest; the National Cotton Council, an organization of the raw cotton industry; the National Farm Labor Users Committee, representing farmers who are employers of substantial numbers of both domestic and foreign workers; and the National Beet Growers Federation, composed of sugarbeet growers associations in 11 Western States.

There are opponents of an extension of the program. They bottom their opposition on the premise that the Mexican nationals brought in by the Secretary of Labor compete with our own people for the available jobs. However, before any Mexican nationals can be brought into this country, the Secretary of Labor must make the determinations spoken of earlier, which in effect assure that Mexican nationals are not competing with our own people for the available jobs. The Secretary must certify, first, domestic workers, able, willing, and qualified, are not available; second, that the employment of Mexican nationals "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and third, that reasonable efforts have been made to attract domestic workers at comparable wages, hours, and working conditions. Such an assertion by the opposition is an indictment of the Secretary of Labor for malfeasance of his duty. The Secretary of Labor has the authority to stop the program at any time when it is shown to pose a serious threat to the domestic farm labor market.

The experience of such organizations as the Great Western Sugar Co., the Agricultural Commodities, Inc., and the El Paso Farm Labor Recruiting Agency display statistical proof that recruitment programs have dismally failed to produce reliable domestic farm labor in sufficient quantity to meet the demands for labor required in the cultivation and harvesting of these highly perishable crops.

Agricultural Commodities, Inc., is a central Arizona farmers association comprised of 140 members engaged in the growing and shipping of fruits and vegetables requiring the need of foreign supplemental field labor. In a July 22, 1963, report, they relate:

> Of * * * 4,232 applicants it was determined that 1,716, or 41 percent did not show at the day haul location to be taken to the field; 2,516, or 59 percent, did report, and of this group 83 percent worked from 1 to 15 days, 11 percent worked from 16 to 30 days, and only 6 percent worked over 30 days although there was considerable work left.

The El Paso Farm Labor Recruiting Agency is a fully licensed and bonded organization designed to recruit and transport seasonal farmworkers to their place of employment. Of 213 domestic workers recruited in El Paso and transported to Woodland, Tex., 178 were actually assigned to growers and the rest disappeared upon arrival. To break it down further to the specific crops involved:

Melons: 92 assigned; 2 completed harvest; 2 percent.

Almonds: 88 assigned; 15 completed harvest; 17 percent.

Peaches: 16 assigned; none completed harvest.

Tomatoes: 79 assigned; none completed harvest.

In addition, the Honorable ROBERT L. LEGGETT, from the Fourth Congressional District in California, cited some similar, interesting figures relating to 1,798 domestic workers recruited from the city of Sacramento:

> Out of a total of 1,798, 133 failed to report for work; 938 worked less than 3 days; 561 less than 7 days; 134 worked 14 days or less; 31 less than a month; and only 1 of the 1,798 workers worked more than a month.

The opponents of this extension will point to the fact that farm labor is down over the last few years, but this decline in farmworkers is made up entirely of the reduction in bracero workers. The program is phasing itself out as is shown by the fact that in 1959, 437,000 braceros came to work in the United States, and last year only 194,000 came in. To cut off this program this year is to create more than just a transition difficulty for the growers, but it is to leave the growers high and dry.

No matter what is said, there is in this country a vital group of farmers raising sugarbeets, fruits and vegetables, who depend on this supply of labor to raise their crops, who depend on this supply of labor for their very existence. There is no other available source of help for these farmers. The Mexican nationals whom they hire do not compete with local labor. The Department of Labor will not allow it. The Department of Labor will not allow wages of local workers to be depressed through the use of the bracero labor. No one in this country should deny our farmers the help which they must have, and which passage of this bill will provide.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article and letters and telegrams I have received on this subject.

There being no objection, the article and communications were ordered to be printed in the RECORD, as follows:

[From the Denver Post, June 11, 1963]

BRACERO CUTOFF COULD HURT MEXICO

(By David Weber)

MEXICO CITY.—Mexico could be in serious trouble if the United States closes its doors to braceros, the migratory farmworkers who every year go north of the border to help bring in the crops. The U.S. House of Representatives recently voted to terminate the bracero program at the end of this year. Although the decision may be reversed it has alarmed many thoughful Mexicans.

If the bracero is legislated out of existence Mexico's economy and possibly its political stability will suffer. Bracero dollars, about $35 million every year, have traditionally made up one-third of Mexico's favorable balance of payments.

More significant is the burden that these 200,000 workers would add to the already-strained farm unemployment situation in Mexico.

The lack of food, work and land—exaggerated in recent years by persistent droughts and Mexico's inexorable population growth—has turned the docile peasant into an active and angry political factor particularly worrying to the government because of next year's presidential election. If the bracero is added to the huge rural unemployment lists, the situation could be explosive.

Some Mexican leaders are trying to shrug off the possible demise of the bracero program. It hurts their nationalistic pride to see native sons having to go to another country to earn a living.

Braceros themselves have no such compunction. They are all too happy to be among the chosen few who can go over to the other side and work at stoop labor for a few months for U.S. dollars. Often these earnings tide them and their families over the whole year.

"I was up in Texas for 3 months last year," said Indalecio Morquecho, "and made $450. When I got home I invested part of the money here and there and this is what has kept us going, mostly."

Morquecho, 33, has 4 children. Between bracero trips he finds occasional work as a relief driver on a city bus. The pay is $1.40 a day. "This doesn't even pay the rent, but it is something. It has kept me busy until the hiring started again."

The trouble is that for Morquecho and thousands of other braceros, there are no jobs this year. Automation on U.S. farms has steadily cut into the hiring of Mexican farmhands. Then too, there has been pressure from U.S. labor groups. Five years ago, nearly 500,000 braceros crossed over into the United States. Last year, there were fewer than 200,000.

For this reason, every day is a heartbreaking repetition of unopened doors and unsigned contract papers for, literally, thousands of experienced braceros who patiently gather in the shady plaza before the old Ciudadela hiring center in Mexico City. They show up every morning and press in as close as they can to the peeling gray doors which open from time to time to admit a trickle of applicants.

Blue-helmeted police grenadiers armed with clubs and teargas guns keep pushing them back, but as soon as the guard relaxes they push forward again hopefully. All day they wait, until at last they watch the officials come out, get in their cars and drive home. The hopeful braceros drift off then, but the next morning they are back again.

"What else can we do?" said Salvador Perez Carmona, a weathered man who has spent the past five summers in either Texas or California. "It's too late for most of us to learn a new trade. Farming is our work, but there's no work for us now, not even up there, on the other side."

FORT GARLAND, COLO.,
May 31, 1963.

Hon. GORDON ALLOTT,
U.S. Senate, Washington, D.C.:

A vote against extension of Mexican nationalist program will create a great hardship on us. We do not have enough domestic labor available for our needs. Would appreciate all your efforts and support to get this bill brought up again and support enough to pass it. Extension of this program very vital to vegetable growers of San Luis Valley and the State of Colorado. Without ample labor the economy will suffer greatly.

Respectfully,
WAYNE ESCHMAN,
President, San Luis Valley Growers Association.

AUSTIN, COLO.,
July 23, 1963.

Senator GORDON ALLOTT,
Senate Office Building,
Washington, D.C.:

Support Senate bill 1703. Local help not interested in labor. Western reclamation areas, especially sugar beets, dependent on passage.

I. E. WILLIAMSON,
Vice President,
Delta Montrose Beet Growers.

FOWLER, COLO.,
April 25, 1963.

Hon. GORDON L. ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: We would like to encourage your support for the extension of Public Law 78, under which Mexican nationals are brought into this area for seasonal harvesting labor.

We have found that domestic help is no longer available under any condition to do this so-called stoop labor.

Our principal activity is picking tomatoes, and to mechanize this job seems far in the future.

For the seasonal vegetable to survive, Mexican nationals must continue to be available for a number of years and under conditions the canning industry can afford.

We will appreciate your consideration and support of Public Law 78.

Very truly yours,
DIVEN PACKING CO.,
EARL W. DIVEN.

Mr. MORSE. Mr. President, will the Senator yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Oregon.

Mr. MORSE. Mr. President, I shall vote for the bill. As chairman of the Subcommittee on American Republics Affairs, I worked hard to help bring about the Mexican treaty. It has been one of the strengthening relationships between the United States and Mexico. I have made a careful study of the labor problems involved. I do not accept the argument made on the floor of the Senate that the treaty is doing injustice to American labor. The fact is that Mexican workers are being supplied in certain agricultural areas where other labor is just not available; American farmers have not been able to get it. It has also been pointed out that safeguards were written into the bill through the Department of Agriculture. This makes it certain that a fair program will be put into effect.

Mr. LAUSCHE. Mr. President, will the Senator from Illinois yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Ohio.

Mr. LAUSCHE. The requirements that should be imposed on farmers who hire workers in the States should be decided by the legislatures of the respective States. The members of the State legislatures are in more intimate contact with the problem than are Members of Congress, and therefore are in a better position to determine what should be done. Ohio does not have braceros. Domestic labor is not adequately available for work on the farms. On the one hand, the Congress provides the farmer with subsidies because allegedly, without them, he cannot survive. On the other hand, it contemplates increasing his financial difficulties through the imposition of working and wage requirements. To this conflicting and inexplicable reasoning I cannot subscribe. Involved also is the great problem of our relationship with our neighbor Mexico. I shall vote for the bill in its present mutilated form, hoping that it will be rectified in a possible conference committee.

Mr. MILLER. Mr. President, will the Senator from Illinois yield 1 minute to me?

Mr. DIRKSEN. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Mr. President, there seem to be three ways to approach the problem. The first is to terminate it entirely and abruptly. I think most of us recognize that that would be catastrophic.

The second way would be to phase out the bracero program over a number of years, in the hope that an intensive recruitment program of our own domestic migrant workers would take place. This approach was favored by the distinguished Senator from Arkansas [Mr. FULBRIGHT]. I favor this approach.

The third way would be to squeeze out the braceros by providing the domestic migrant workers more attractive wages. This would increase farm costs. I suggest that it would also mean that we would lose the migrant workers because of the large amount of mechanization that would then take place. I think this would be catastrophic.

I shall vote for the bill as being better than not having a continuation of the bracero program at all.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article entitled "Migrant Workers Feel Need in North Iowa," written by Robert H. Spiegel, and published in the Mason City (Iowa) Globe-Gazette of July 1963.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MIGRANT WORKERS FILL NEED IN NORTH IOWA—THEY SOLVE PROBLEMS, BUT CREATE SOME

(By Robert H. Spiegel)

The bent backs in the fields belong to the migrant workers.

In north Iowa, the migrants thin and weed beets, onions and potatoes. Others work in the nurseries at Hampton.

They move slowly down the rows, stooped and silent, doing work that nobody else wants to do. The very young work; so do the very old.

Perhaps 300 migrants work in north Iowa fields. All told, about 1,700 of them swarm into the State each year. Non-working family members increase the total to more than 2,500.

Most are from Texas. They are American citizens of Mexican descent. Another 150 or so are the braceros, citizens of Mexico.

These people solve problems. They also create some.

Without them, it would be difficult to do the back-breaking labor demanded in the picking of cucumbers and tomatoes near Muscatine, digging out shrubs, constantly hoeing.

With them, the employer is faced with providing decent housing, wages, and care for family needs. Some provide well; some in sorry fashion.

So far, the need for stoop labor has forced farmers and factories to put up with the

problems. Most agree that migrant workers will be needed in Iowa for years to come.

During a personal tour of migrant camps last summer, growers and factory agricultural managers said only mechanization will stop the northward pilgrimage.

Impersonal machines have been built to dig out shrubs and trees, pick tomatoes, thin beets. Many farmers have resisted them, preferring the more careful hand-labor approach.

Another factor has entered the picture.

The House of Representatives recently rejected a 2-year extension of the so-called bracero law under which Mexican workers are imported for the seasonal field work. (About 100,000 braceros join 1 million domestic migrant workers in the United States each summer.)

Church people have opposed the law for years on the grounds that the braceros deprive domestic migrants of jobs and undercut already pitiful wages.

The bill ending bracero migration next December 31 is given a good chance to pass in the Senate.

What effect would it have in Iowa?

Very little as far as the actual use of braceros is concerned. The Mexican people are used only in the Muscatine area to pick cucumbers. There is a reason—even the Texas migrants shun the work.

Joe Maldonado, a young Texan, smiled whitely and gave a quick opinion: "Pepinos (pickles) no good."

A leathery 45-year-old man from Mexico doesn't speak English. He didn't need an interpreter when he said, rubbing his back: "Mucho cancado (very tired) * * * pepinos."

There are machines to pick cucumbers. They haven't made much of a dent in the Muscatine area as yet. Growers prefer to pay the Mexicans $1 an hour.

There will be some indirect and important effects on migrant labor in north Iowa, however.

John Oliver, agricultural manager for American Crystal Sugar Co. plant here, annually hires 800 migrants for work in Iowa and Minnesota. About 200 of them are employed in north Iowa.

"If braceros can't come to the United States, the law of supply and demand will catch up with us," said Oliver.

"Braceros work for our company in Montana and Colorado, for example, and thousands of others work in California, Arizona, and New Mexico.

"These States will enter the market for migrant workers from Texas. They'll be tough competition.

"We've been trying to prepare for this for the last 5 years," said Oliver, "urging farmers to use machines that can weed four rows at a time.

"We can do 80 percent of the field work with machines if the farmers go for it. So far, many prefer the old way."

The Sam Kennedy farming operation near Clear Lake is held up as a model in many respects by Iowa State Employment Service officials.

Kennedy and his sons employ about 25 migrant workers from Texas. Another 10 family members accompany them year in and year out.

The Kennedys pay between $1.05 and $1.30 an hour for work in the beet, onion, and potato fields. Clean, modern housing is provided.

There is a private insurance program covering injuries and sickness.

For several families who stay the year around, the Kennedys provide a $5,000 life insurance policy and retirement program that pays the worker $50 a month at age 65.

This is far above the average treatment, yet James Kennedy believes passage of the antibracero bill will "chop off a large portion of our labor supply."

"It appears this legislation could pass," he said. "If it does, it means higher pay scales all the way around.

"Ultimately, it will be passed on to the consumer."

Chances are the changing outlook won't keep the Frank Ibarra family from coming to the Kennedy farm as they have for 8 years.

Mr. and Mrs. Ibarra and three sons have worked on the Kennedy farm, making $200 to $250 a week if no rain.

"Good for us to work," said Mrs. Ibarra. "Much better than home."

The PRESIDING OFFICER. All time on the bill has expired. The bill having been read the third time, the question is, shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. COTTON (when his name was called). On this vote, I have a pair with the junior Senator from New Mexico [Mr. MECHEM]. If the junior Senator from New Mexico [Mr. MECHEM] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MONRONEY (when his name was called). On this vote, I have a live pair with the Senator from Georgia [Mr. RUSSELL]. If the Senator from Georgia [Mr. RUSSELL] were present and voting he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Nevada [Mr. BIBLE], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Missouri, [Mr. LONG], the Senator from Georgia [Mr. RUSSELL], and the Senator from Florida [Mr. SMATHERS] are absent on official business.

I further announce that the Senator from Indiana [Mr. BAYH] is necessarily absent.

I further announce that, if present and voting, the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

On this vote, the Senator from Indiana [Mr. BAYH] is paired with the Senator from Nevada [Mr. BIBLE]. If present and voting, the Senator from Indiana would vote "nay," and the Senator from Nevada would vote "yea."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. HICKENLOOPER], the Senator from New Mexico [Mr. MECHEM], and the Senator from Massachusetts [Mr. SALTONSTALL] are necessarily absent.

The pair of the Senator from New Mexico [Mr. MECHEM] has been previously announced by the Senator from New Hampshire [Mr. COTTON].

The result was announced—yeas 63, nays 24, as follows:

[No. 142 Leg.]

YEAS—63

Allott	Hartke	Metcalf
Anderson	Hayden	Miller
Bennett	Hill	Morse
Burdick	Holland	Morton
Byrd, Va.	Hruska	Moss
Cannon	Humphrey	Mundt
Carlson	Jackson	Muskie
Case	Johnston	Nelson
Church	Jordan, N.C.	Pearson
Cooper	Jordan, Idaho	Randolph
Curtis	Kuchel	Robertson
Dirksen	Lausche	Scott
Dodd	Long, La.	Simpson
Dominick	Magnuson	Smith
Eastland	Mansfield	Sparkman
Ellender	McCarthy	Stennis
Engle	McClellan	Thurmond
Ervin	McGee	Tower
Fulbright	McGovern	Williams, N.J.
Goldwater	McIntyre	Young, N. Dak.
Gruening	McNamara	Young, Ohio

NAYS—24

Aiken	Fong	Pell
Bartlett	Gore	Prouty
Beall	Inouye	Proxmire
Boggs	Javits	Ribicoff
Brewster	Keating	Symington
Byrd, W. Va.	Kennedy	Talmadge
Clark	Neuberger	Williams, Del.
Douglas	Pastore	Yarborough

NOT VOTING—12

Bayh	Hart	Monroney
Bible	Hickenlooper	Russell
Cotton	Long, Mo.	Saltonstall
Edmondson	Mechem	Smathers

So the bill (S. 1703) was passed, as follows:

An Act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out "comparable to those offered to foreign workers" and inserting in lieu thereof ", including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers".

SEC. 2. Section 510 of such Act is amended by striking out "December 31, 1963" and inserting in lieu thereof "December 31, 1964."

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the bill was passed.

The motion to lay on the table was agreed to.

INCLUSION OF DISTRICT JUDGE OR JUDGES ON JUDICIAL COUNCIL OF EACH CIRCUIT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 979, Calendar No. 244, be laid before the Senate and be made the unfinished business.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). Is there objection?

ARTICLE III

This amendment shall enter into force on the day on which each Government shall have received from the other Government written notification that it has complied with all statutory and constitutional requirements for the entry into force of such amendment and shall remain in force for the period of the Agreement for Cooperation.

In witness whereof, the undersigned, duly authorized, have signed this amendment.

Done at Washington, in duplicate, this 7th day of August 1963.

For the Government of the United States of America:

ROGER HILSMAN.
GLENN T. SEABORG.

For the Government of the Republic of the Philippines:

AMELITO R. MUTUC.

Certified to be a true copy.

ALLAN T. DALTON,
Chief, Asian-African-Latin American Branch, Division of International Affairs, U.S. Atomic Energy Commission.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 25, 1963.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: The Atomic Energy Commission recommends that you approve the enclosed proposed "Amendment to the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of the Philippines Concerning Civil Uses of Atomic Energy," determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution. The Department of State supports the Commission's recommendation.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, will amend the agreement for cooperation between the Government of the United States of America and the Government of the Republic of the Philippines signed on July 27, 1955, as amended by the agreement signed on June 11, 1960, by providing that the International Atomic Energy Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities transferred to the Government of the Republic of the Philippines. The necessary arrangements would be effected, without modification to the agreement, through a trilateral agreement to be negotiated between the parties and the Agency which may include provisions for the suspension of the safeguard rights accorded the Commission under the agreement during the time and to the extent that the Agency safeguards apply to such materials and facilities.

The proposed amendment would also provide for the extension of the agreement for a 5-year period beyond its current expiration date of July 26, 1963.

Following your determination, approval, and authorization, the proposed amendment will be formally executed by the appropriate authorities of the Government of the United States of America and the Government of the Republic of the Philippines. In compliance with section 123c of the Atomic Energy Act of 1954, as amended, the amendment will then be placed before the Joint Committee on Atomic Energy.

Respectfully yours,

GLENN T. SEABORG,
Chairman.

THE WHITE HOUSE,
Washington, D.C., July 29, 1963.

Hon. GLENN T. SEABORG,
Atomic Energy Commission,
Washington, D.C.

DEAR DR. SEABORG: In accordance with section 123 of the Atomic Energy Act of 1954, as amended, the Atomic Energy Commission has submitted to me a proposed "Amendment to Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of the Philippines Concerning Civil Uses of Atomic Energy," and recommended that I approve the proposed amendment, determine that its performance will promote and will not constitute an unreasonable risk to the common defense and security, and authorize its execution.

The proposed amendment, which has been negotiated by the Atomic Energy Commission and the Department of State pursuant to the Atomic Energy Act of 1954, as amended, would amend the Agreement for Cooperation Between the Government of the United States of America and the Government of the Republic of the Philippines, signed on July 27, 1955, as amended by the agreement signed on June 11, 1960, by providing that the International Atomic Energy Agency will be promptly requested to assume responsibility for applying safeguards to materials and facilities transferred to the Government of the Republic of the Philippines. The necessary arrangements will be effected, without modification to the agreement, through a trilateral agreement to be negotiated by the parties and the agency which may include provisions for the suspension of the safeguards rights accorded the Commission under the agreement during the time and to the extent that the agency's safeguards apply to said materials and facilities.

The proposed amendment also would provide for the extension of the agreement for a 5-year period beyond the current expiration date of July 26, 1963.

Pursuant to the provisions of section 123 of the Atomic Energy Act of 1954, as amended, and upon the recommendations of the Atomic Energy Commission, I hereby:

(a) Determine that the performance of this proposed amendment will promote and will not constitute an unreasonable risk to the common defense and security of the United States.

(b) Approve the proposed amendment between the Government of the United States of America and the Government of the Republic of the Philippines enclosed with your letter submitting the proposed amendment.

(c) Authorize the execution of the proposed amendment for the Government of the United States of America by appropriate authorities of the U.S. Atomic Energy Commission and the Department of State.

Sincerely,

COMMITTEE MEETING DURING SENATE SESSION ON MONDAY

On request of Mr. HUMPHREY, and by unanimous consent, the Committee on Foreign Relations was authorized to meet during the session of the Senate on Monday, August 19.

THE IMPORTATION OF FARMWORKER UNEMPLOYMENT

Mrs. NEUBERGER. Mr. President, the Senate Agriculture Committee took an unfortunate action when it voted to report a bill extending the Mexican farm labor importation program without holding any hearings whatsoever on the measure.

The bill as reported would have harmed millions of U.S. farmworkers and family farmers. It would have benefited less than 1 percent of American farms—generally the large corporation-type farms.

Needless to say, the Mexican farm labor importation program or Public Law 78 is highly controversial. Church groups, labor unions, civic organizations, family-farm groups strongly oppose it. In fact, the House of Representatives rejected an extension of Public Law 78 by a rollcall vote of 158 to 174 on May 29, 1963.

It is simply amazing that the committee took such unusual action, to import hundreds of thousands of Mexican farmworkers at a time when there is a great deal of unemployment in rural America. This unemployment is even higher than unemployment in the cities.

An average of 7.3 percent of U.S. farmworkers were unemployed and an additional 9.5 percent were underemployed in 1962. Sharply increasing mechanization reduced agricultural employment in this country by 300,000 last year and the toll is increasing.

Yet the Agriculture Committee would have continued the importation of Mexican farmworkers through 1964 without even holding hearings to find out the facts on the tremendous need for jobs among U.S. farmworkers.

The argument was made that we must phase out Public Law 78. How many times have we heard that before. Only in 1961, we were told that the 2-year extension of Public Law 78 then enacted would be the last extension. Yet here we were given the same arguments all over again.

Mr. President, I am certain that if this 1-year extension is accepted by the House—and I certainly hope that it will not be—we will again hear in 1964 that an "abrupt termination" of Public Law 78 will cause difficulties and we must extend it longer still.

The argument was also made that despite the tremendous unemployment existing among farmworkers, the growers who use Public Law 78 cannot get labor. This is nonsense.

American farmworkers are eager for the jobs. They need them. Of course, growers may have to pay higher wages than 60 cents an hour in Arkansas, but I do not believe it is the function of Congress to maintain substandard wages.

The "lack of labor" argument must appear especially strange to the Senator from New Jersey [Mr. WILLIAMS]. He has been holding hearings on a bill based on Public Law 78. This measure, S. 527, would recruit U.S. farmworkers and transport them to areas of labor need. The measure would bring workers and growers together more effectively. It would assure the growers of U.S. labor.

Yet the same grower organizations who make such pitiful pleas about crops rotting, about not being able to get U.S. workers, are bitterly opposing S. 527.

Producers with a financial stake in the bracero program and others who should know better predict that in the absence of bracero labor, prices will skyrocket, and the consumer will be the ultimate loser. The Christian Science Monitor, for example, predicts that termination of the program "may well convert a number of staple foods in your home and mine into luxury items."

This fantasy was laid to rest in an excellent letter I received from Mrs. Sarah H. Newman, general secretary of the National Consumers League.

Mrs. Newman writes:

Quite frankly consumers resent being given the blame for the atrocious farm-laborer conditions. * * *

* * * Farm labor costs represent less than one-twentieth of the consumer price of vegetables, fruits, cotton and sugar. For example, a 20 cents an hour increase in farm labor costs in the cultivation and harvest of lettuce would increase the consumer price by one-fifth of a cent a head.

I cannot believe that the American consumer is unwilling to pay this small price for the economic emanicipation of his fellow citizen.

The truth is, Mr. President, that neither growers nor consumers need Public Law 78. There is plentiful U.S. labor. But the Public Law 78-using growers want docile, easily exploitable, and cheap labor.

PROHIBITION AGAINST DISCRIMINATION—FOR MEXICANS, BUT NOT FOR AMERICANS

Mr. President, I call attention to article 8 of the Migrant Labor Agreement of 1951, as amended, entered into between the United States and Mexico pursuant to Public Law 78. This article, entitled "Prohibition Against Discrimination," is an essential part of the program which would be extended by the Allott-Dominick bill, S. 1703. It has established an irrefutable precedent for the President's civil rights legislation.

The article reads as follows:

Mexican workers shall not be assigned to work nor permitted to remain in localities in which Mexicans are discriminated against because of their nationality or ancestry. Within a reasonable time after the effective date of this agreement and from time and time thereafter, the Mexican Ministry for Foreign Relations will furnish the Secretary of Labor a listing of the communities in which it considers that discrimination against Mexicans exists. If there is concurrence by the Secretary of Labor that there is such discrimination in any such area, he will not issue, or where appropriate will withdraw, the authorization provided for in article 10.

If the Secretary of Labor does not concur, the appropriate Mexican consul may request a statement signed by the chief executive officer or officers or the chief law enforcement officer of the community in which the Mexican workers are to be employed, pledging for the community that:

(a) No discriminatory acts will be perpetrated against Mexicans in that locality; and

(b) In the event that the Mexican consul reports the existence of acts of discrimination against any Mexican because of ancestry or nationality, the local governmental officers who signed the statement will have such complaints promptly investigated and take such community and individual action as may be necessary to fulfill the community pledge.

The Mexican Government will permit employment in such areas if such pledges are furnished.

If, notwithstanding the foregoing, the Mexican consul reports that discriminatory acts have been committed against Mexicans because of their nationality or ancestry in a locality where Mexican workers are employed, the Mexican consul having jurisdiction in the locality may request the representative of the Secretary of Labor to join the Mexican consul in a joint investigation in which event the procedure prescribed in article 30 of this agreement will be followed.

Mr. President, there could be no stronger precedent for the enactment of a civil rights bill than the migrant labor agreement entered into pursuant to Public Law 78. In express, unequivocal language the agreement provides that an agency of a foreign government—the Mexican Ministry for Foreign Relations—may identify communities in the United States which in his opinion discriminate against citizens of his nation; he may submit an inventory of such communities to our Secretary of Labor for concurrence and action.

If our Secretary of Labor agrees that discrimination exists, he cannot authorize Mexican nationals to be employed on farms in the communities in question. If Mexican nationals are already employed in such communities, our Secretary is required to withdraw the authorization for their employment.

If our Secretary of Labor does not agree that discrimination exists, the Mexican Government may bypass the Secretary of Labor and go directly to the officials in the community of the alleged discrimination. The Mexican consul may deal directly with the chief executive officer or the chief law enforcement officer of the community by requesting a signed antidiscrimination pledge on behalf of the entire community. The pledge required to be furnished would bind the community to nondiscriminatory action against Mexicans and would bind the local officials to investigate promptly any complaints respecting discrimination lodged by the Mexican consul. The pledge also expressly requires such community and individual action as may be necessary to fulfill the community pledge.

These procedures quite obviously go far beyond the proposals in the President's civil rights legislation. The President's civil rights legislation prohibits discrimination only by entities that affect interstate commerce. In contrast, the application of article 8 is far broader.

Article 8 prohibits the entire gamut of discriminatory action. Discrimination is prohibited however it arises in a community, whether by the government or local custom, or an individual, and regardless of whether the situation is interstate or wholly local in nature.

In considering the importance of article 8 of the Public Law 78 Migrant Labor Agreement, we should take particular note of the fact that article 8 has been in effect for more than 12 years. It will be in effect for at least 1 more year if Public Law 78 is extended again.

We should also take particular note of the fact that Mexican nationals have been employed in—and, therefore, article 8 has had application to—some areas of our Nation in which we find the greatest resistance to nondiscriminatory policies and practices.

It is an ironic fact, indeed, that the elected representatives from these areas by supporting Public Law 78 have five times endorsed and reaffirmed a policy of nondiscrimination. With this endorsement and legislative history brought to light, perhaps we can hope that some of the representatives from these areas will find their previous position favoring nondiscrimination to be of persuasive effect during their consideration of similar policies for our own citizens. Having taken such a position for the citizens of a foreign nation, surely there will be some eagerness to do as much for our own citizens.

How can we provide less protection against discrimination for our own citizens than this Government has in fact provided for more than 12 years to the citizens of Mexico.

I ask unanimous consent to have printed in the RECORD at this point data from the Department of Labor on bracero discrimination.

There being no objection, the statements were ordered to be printed in the RECORD as follows:

INELIGIBLE COUNTIES UNDER ARTICLE 8, MIGRANT LABOR AGREEMENT

Listed below are the communities which the Government of Mexico continues to consider ineligible for the purpose of contracting Mexican nationals by reason of discrimination against persons of Mexican ancestry in the State of Texas:

Edna, Gonzales, Monahan, Moulton, Port Lavaca, Robstown, Seguin, Sonora, Sterling City, Three Rivers.

The above-named communities are on an ineligible list as of September 14, 1962, provided us by the Mexican Embassy.

Below we have listed several examples of the types of cases involving discrimination and the action taken by the Department in each case.

(1) Slaton, Tex.: This case arose in Slaton, Tex., in the summer of 1960 when the Department, pursuant to agreement article 8, investigated and found that there was discrimination at such places as restaurants, bowling alleys, and the city swimming pool. At that time we concluded the matter satisfactorily without the necessity of removing the Mexican nationals under contract in the area.

In the summer of 1961 we received a formal complaint alleging that the Slaton City swimming pool was being operated on a "white only" basis. This complaint was brought to our attention when some school children of Mexican ancestry were denied the use of the swimming pool. Negotiations with city officials followed our investigation in an effort to eliminate this discrimination.

The Mexican Government requested the immediate removal of all Mexicans working in the Slaton area. Through negotiations with Slaton City officials the situation was eventually resolved in 1962 when the city of Slaton opened its swimming pool to all members of the public who obtained a $5 health certificate and a $1 membership card. These documents were available without regard to nationality.

(2) Levelland, Tex.: In October of 1961 the Department received a complaint involving discrimination against Mexicans in Levelland, Tex. The incident arose as the result of the refusal of the local movie

theater to admit Mexicans. This complaint was resolved rapidly when the owner of the theater in Lubbock, Tex., after being advised of the possible sanctions which could be applied under article 8 of the agreement, instructed his local manager to admit all members of the public.

(3) Stamford, Tex.: In September 1961 the Mexican consul in Dallas, Tex., complained that barber shops and beauty parlors in Stamford, Tex., were refusing to serve persons of Mexican ancestry. This complaint was resolved when the mayor of Stamford agreed to take the necessary steps to remedy this situation.

(4) Lea County of New Mexico: In July 1959 complaints were received concerning discrimination against Mexican nationals in Lea County, N. Mex., by law-enforcement officers. Primarily, the complaint involved the arrest and imprisonment of a Mexican national for allegedly stealing his employer's wallet, a charge which was eventually disproved. The complaint involved the treatment accorded the Mexican national in the area by the police and city judge. This situation was resolved when the county and city officials of Lovington, N. Mex., pledged their cooperation to prevent recurrence of any situation which might suggest discriminatory action against persons of Mexican ancestry or nationality.

TEXAS COUNTIES CONSIDERED INELIGIBLE

After the Migrant Labor Agreement of 1951 became effective the Mexican Government refused to approve the employment of Mexican nationals in a number of counties in Texas where it was charged that discrimination existed against persons of Mexican nationality. Over the years the Department has persuaded many of these counties to alter their policy of racial discrimination toward persons of Mexican descent. As a result of pledges received from city and county officials in many of these areas, the Mexican Government has removed these counties from their ineligible list. Although there is a 1954 joint interpretation of agreement article 8 which provides that the Mexican Government will not include an entire county on the ineligible list, the Mexican Government continues to consider certain counties in Texas to be off limits for employment of Mexican nationals. Many of the counties, however, that remain on the ineligible list have not requested Mexican nationals. In most cases where the Mexican Government still considers a county on the ineligible list we have been able to obtain its removal when county or city officials agree to cooperate.

LEGAL NIHILISM AND THE "STATES RIGHTS" AMENDMENTS

Mr. McINTYRE. Mr. President, on August 12 Mr. Justice Goldberg addressed the section of judicial administration of the American Bar Association in Chicago. On the same day its house of delegates rejected a proposal to reverse the Supreme Court's reapportionment decision. The action of the house of delegates reaffirms a central principle of our constitutional system of jurisprudence, about which Mr. Justice Goldberg had much to say. I am proud to be able to say, as a lawyer, that the vote of the house of delegates gives emphasis to the legal profession's commitment to the achievement of justice among men.

Mr. Justice Goldberg observes that the judge must seek justice under law, with the deep meanings of the Constitution as his guide. That document is the supreme example of popular sovereignty in our history, just as its writ is supreme in law. It is the people's charter upon which their liberties depend. Accordingly I view with intense concern attempts to pull down parts of the overspreading mantle of protection that the Constitution affords to our liberties. This would be unbelievable folly, yet there are those who advocate such a course. When our liberties require sophisticated and immovable defenses against the serious challenge of alien ideologies, I am somewhat embarrassed to take the time of the U.S. Senate to defend the Constitution of the United States and the Supreme Court. The motives of these proposed amendments should condemn them out of hand, and the fatal flaw in the arguments of their proponents should be obvious.

Across the Nation, Mr. President, billboards are springing up with the words "Save Our Republic—Impeach Earl Warren" audaciously, inscribed across the American flag. Hate peddlers are advertising kits of rabid literature about the Chief Justice in the public press. But the attack is not focused on the Supreme Court alone; it extends to the Constitution and the fundamental law of this country in the form of several proposed amendments. One proposal would deny Congress its present supervisory power in the event that two-thirds of the States took the initiative in proposing an amendment to the Federal Constitution. Another would create a Court of the Union to review decisions of the Supreme Court of the United States. The third proposal, which the ABA house of delegates voted down on Monday, August 12, would have deprived the Federal courts of jurisdiction over questions of reapportionment and representation in State legislatures.

Our Federal Union is a complex structure in which State and Federal responsibilities and prerogatives are in delicate balance. In times of increasing pressure upon our National Government, I view with favor attempts to create and preserve a larger role for our 50 States. As Mr. Justice Goldberg observes, this is a difficult area wherein a continuing dialog is to be welcomed. But the proposed amendments would place the power to amend the Federal Constitution in the State legislatures. They would place the interpretation of constitutional guarantees of liberty, due process, and equal protection of the laws in the hands of a Supreme Court of the Union whose judges would be paid by those same State legislatures and occupy offices created by the legislatures. And then they would cap the whole by removing the power of Congress and the Federal judiciary to guarantee the representative character of those State legislatures.

Mr. President, these proposals betray a craven fear of representative democracy. The glittering economy of the Federal Union is based upon the power of the Federal Government to promote interstate commerce and foreign trade, to work for the betterment of its citizens to underwrite freedom abroad while guarding our shores, and to meet the challenges of a changing world. Yet it is precisely these functions that the proposed amendments would cripple. They display a disturbing ignorance of the nature of our political institutions and represent an ugly streak of legal nihilism to which the know-nothings of the extreme rightwing have given their unsavory attention.

The apportionment amendment rejected by the ABA would carve out an exception to the equal protection clause of the 14th amendment, and encourage the rightwing to embark upon a policy of whittling away that vital constitutional guarantee. Regardless of how we may feel about the timeliness and reasoning of the Supreme Court's decision in the reapportionment case, Baker against Carr, how can we justify a step toward diminishing the constitutional guarantees of liberty, justice, and equality? The American Bar Association was urged to approve the amendment as a defense against "an all-powerful, all-pervasive centralized government." What abysmal shortsightedness these words display. The language of the proposed amendment would remove all constitutional restraints upon the quality and extent of representative in State legislatures. One of those constitutional restraints is the 15th amendment, which provides that no State shall abridge the right of citizens of the United States to vote. The amendment would also deprive the Federal judiciary and the Congress of their authority to implement the constitutional guarantee of a republican form of government to each State. Note, too, Mr. President, that the Federal courts are not the only forum in which constitutional rights may be defended, but that the State courts also hear Federal constitutional questions. So not only the Federal courts, but also those of the States, would be denied the power to enforce guarantees against rank racial injustice, imbalance of representation between urban and rural areas, and changes in the form of State government.

This is the measure being offered in the name of liberty by those who have broken faith with the basic tenet of our system of Government, which is the ability of the people to provide for their own betterment within the framework of constitutional guarantees. The Constitution, as Mr. Justice Goldberg pointedly states, is not a treaty between the States but a charter emanating directly from the people. In January, Mr. President, I took an oath to support the Constitution of the United States against all enemies foreign and domestic, and to bear true faith and allegiance to it. As Mr. Justice Goldberg states, this oath is the "irrevocable bond of a brotherhood dedicated to the fulfillment of the great promise of our democracy." The people shall proceed to fulfill their destiny, secure in their freedoms and committed to steady progress toward our goal of justice under the law. It is an occasion for sorrow and shame that there are those so shortsighted that they would postpone the justice and deny the freedoms, apparently because they consider them to be frivolous and unnecessary luxuries during a time of serious challenge. No challenge, Mr. President, could be so serious as to render freedom

unnecessary; no goal so urgent as to permit a postponement of justice. Indeed the great strength of this country is the enduring character of its commitment to justice, and the lengths to which we are willing to go for the preservation of freedom. No one could doubt this upon reading the address delivered by Mr. Justice Goldberg, which is ennobled by his concern for justice and enlivened by his reserves of humor and understanding. I ask unanimous consent that it be reprinted in the RECORD at the conclusion of these remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REFLECTIONS OF THE NEWEST JUSTICE

(By Arthur J. Goldberg, Associate Justice, Supreme Court of the United States, before the Section of Judicial Administration, Grand Ballroom, Conrad-Hilton)

When a peripatetic Secretary of Labor becomes a sitting Associate Justice of the Supreme Court some do and many would like to inquire about his reactions to the change. I propose tonight to attempt to satisfy this natural curiosity.

One is "elevated" to the Court and consequently, in socially conscious Washington eats higher on the hog, but the Secretary, though protocolly outranked at the table, is driven to dinner in a Government Cadillac, whereas the Justice steers and parks his own car. Who gains by the exchange depends on a value judgment—whether a good chef is to be preferred to a competent chauffeur.

The Secretary's phone never stops ringing; the Justice's phone never rings—even his best friends won't call him.

The Secretary continually worries about what the President and an unpredictable Congress will do to his carefully formulated legislative proposals; the President, the Congress, and the Secretary wonder what the Justice will do to theirs.

The Secretary's infrequent and sporadic vacations are inevitably interrupted by unanticipated strikes; the Justice's publicized long recess by an apparently endless flow of petitions for certiorari, difficult stay applications, and the certitude that if he vacations too obviously he will be "time charted" by Professor Hart and the editors of the Harvard Law Review in the forthcoming November issue.

The Secretary numbers among his several thousand employees doorkeepers to guard his privacy; the newest Justice is, himself, the doorkeeper to protect the Court's.

Both Secretary and Justice need the support that only prayers can give in resolving the grave problems of office. The Secretary can ask freely for yours; the Justice hardly is in a position to do so.

But enough of differences in status, what about functions? The Secretary is expected to mediate labor disputes; the Justice, presumably freed from this role, early in his first term becomes increasingly aware, to quote Professor Black, that "The real problems of law involve not faithful obedience to beauteous maxims but the mediation of competing claims each with a measure of soundness."

There are, of course, many profound differences in the respective mediatory roles. The Secretary deals with conflicts between labor and management. These can be very difficult, as my successor in the Cabinet is, at this very moment, experiencing. But the Justice's mediation is infinitely more complex. It involves conflicts between State and Nation, State and State, the individual and all branches of government both State and National, and the individual and individual.

The Secretary can persuade the contending parties to settle their differences—he cannot compel them to; the Justice must decide the controversy, not merely recommend settlement terms. He cannot escape the inexorable duty of judgment—but a court's decision cannot merely rest upon "it is so ordered," it must also persuade.

Judicial review, as we know it, has become imbedded in the workings of our Government and has survived to this day, notwithstanding attacks and despite imperfections, because the decisions of the final constitutional arbiter, the Supreme Court, have been articulated decisions showing a decent respect for the opinions of mankind. Reasoning and not mere fiat has convinced the people throughout our history that judicial review insures government by law and protects them against arbitrary action by authority. Truly a judgment to endure must be accepted, although not necessarily at once, in the marketplace.

It has been rightly said of our Court that it is a national schoolmaster and of our opinions that they represent the dialog of the participants in a great seminar dedicated to the realization of the goals and values of our constitutional democracy.

The Secretary, as a mediator, inevitably is driven to seeking peace at any price—for him a settlement without any strike, or, at least, without a prolonged strike, is the goal. He can hope that the settlement will prove to be fair and equitable to the public as well as to the involved parties, but this can be no more than a hope, since sanctions are lacking and strong willed parties are involved.

The quest of the justice in resolving conflicts is justice under law. The judge seeks the right settlement, not the expedient one. The Secretary's objective is peace—peace almost at any price. The judicial process assumes peace; it rests upon unreserved acceptance of and compliance with the decisions of the Court of last resort. Democratic government cannot endure if the law is defied by those in or out of authority. Ever since Chief Justice Marshall, 160 years ago, in *Marbury* v. *Madison,* declared that "It is emphatically the province and duty of the judicial department to say what the law is" it has been a permanent and indispensable feature of our constitutional system that, unless changed by the orderly processes of the Constitution, the decisions of the ultimate Court must be respected and obeyed.

Decisions in a democracy are not immune from criticism; they may be changed by legislation or constitutional amendment, or, even reconsidered by the Court itself, but until and unless so changed, to defy them or obstruct them is to deny the law itself.

No judge or lawyer worthy of the name can attach any consitutional importance to current revivals of the old and discredited doctrine of interposition or nullification. It is too late in our history to deny that the Constitution, as interpreted by the Court, is the supreme law of the land.

It is similarly too late in our history to revive the wholly academic contention that the 14th amendment is unconstitutional. The Court throughout the years, and as recently as last term, has applied the amendment in many cases. It is clear beyond peradventure from an unbroken line of the Court's decisions that the process by which that amendment was ratified does not present a justiciable issue.

Another pervasive difference between judging and labor mediation is that the labor mediator lacks guidelines for settlement of disputes and that no one has been authorized to provide them. Judges, on the contrary, have as their decisional touchstone, the Constitution, provided by the people themselves.

I remember, all too well, the rather tentative attempt of the administration during my tenure as Secretary to suggest guidelines for wage settlements in the Economic Report of the Council of Economic Advisers. Both labor and management joined not only in rejecting them but in challenging the very right of Government to enunciate guidelines, even as suggested goals rather than commands. I had to fall back on Government's right of free speech to defend the suggestions.

For judges the Constitution provides the guidelines. The greatest political document known to man is a brief paper consisting of a preamble and 7 short articles containing in all about 6,000 words. Yet, in it we seek and find the answers to the complex problems of liberty and order in a nuclear age. Although judges often may wish for more precise guidance in groping for decisional light, all surely recognize that the genius of the Constitution rests, in considerable measure, in the flexibility of the document, in the purposeful generality of its eloquent phrases and in the nobility of its stated ideals. This has enabled it to endure to this age and the people willing, will preserve it for ages to come.

One can inquire as to who is the rightful definer of the public interest in labor disputes; no one can legitimately question the source of the Constitution. The Constitution of the United States is an act of the people. Its very first words are "We the people of the United States." It was drafted by a convention, submitted by Congress and ratified not by State legislatures but by special conventions. Under our Constitution the sovereign people are the real sovereignty. This does not gainsay that important powers are reserved by the Constitution to the States, just as others are delegated to the United States. Both Nation and State are vital in our constitutional structure and no judge upholding the Constitution would deny to the States their legitimate rights nor fail to recognize the vital necessity of preserving the States as strong and vigorous Government units.

But reassertion of the fundamental character of the Constitution, not as a treaty between the States, but, rather as a charter emanating directly from the people, is ever necessary in face of assertions, made even to this day, that the States, or rather their legislatures, are to be the final judges of their own powers and those of the National Government.

These echoes of nullification, to which I have already adverted, are denied by the Constitution itself and by our national experience. They have no place in our present day when our unity as a people is indispensable not only for national but for world survival.

State and Federal judges may legitimately differ as to whether particular decisions of our Court correctly apply constitutional principles of federalism and a continuing dialog in this difficult area is to be welcomed. There is no place, however, for differences between State and Federal Judges in the basic proposition that the Constitution is the supreme law of the land and is of binding effect on the States, anything in the Constitution or laws of any State to the contrary notwithstanding. All of us, Federal and State judges, Members of Congress and State legislatures, Federal and State executive officers are solemnly committed by oath to support this Constitution.

This oath to support and defend the Constitution is more than a solemn obligation; it is the irrevocable bond of a brotherhood dedicated to the fulfillment of the great promise of our democracy.

The ninth Secretary of Labor of the United States served in an office replete with the excitement of the moment; the 98th Justice serves in one filled with the excitement of the ages. The Secretary left his post having tried, to the best of his ability, to fulfill the statutory mandate of advancing the interests of the wage-earners and the industry

S. 1703

88TH CONGRESS
1ST SESSION

S. 1703

IN THE HOUSE OF REPRESENTATIVES

AUGUST 19, 1963
Referred to the Committee on Agriculture

AN ACT

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out "comparable to those offered to foreign workers" and inserting in lieu thereof ", including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers".

SEC. 2. Section 510 of such Act is amended by striking out "December 31, 1963" and inserting in lieu thereof "December 31, 1964".

Passed the Senate August 15, 1963.

Attest: FELTON M. JOHNSTON,

Secretary.

2021 2
TDA MA

88TH CONGRESS
1ST SESSION

S. 1703

AN ACT

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

AUGUST 19, 1963

Referred to the Committee on Agriculture

H. R. 8195

A BILL

AN ACT

88TH CONGRESS
1ST SESSION

H. R. 8195

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 1963

Mr. PURCELL introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend section 510 of title V of the Agricultural Act of 1949, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

I

88TH CONGRESS
1ST SESSION

H. R. 8195

A BILL

To amend section 510 of title V of the Agricultural Act of 1949, as amended.

By Mr. PURCELL

AUGUST 21, 1963
Referred to the Committee on Agriculture

H. R. 8195

A BILL.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued August 28, 1963
For actions of August 27, 1963
88th-1st; No. 134

CONTENTS

Appropriations.....1
Area redevelopment.....23
Assistant Secretary.....11
Bread.....6
Buildings.....3
Civil defense.....22
Committee assignments....9
Conservation.....17
Domestic Peace Corps....17
Education.....10,19
Electrification 15,17,25,29
Farm labor.....11,17,20,24
Federal aid.....16
Foreign aid.....7,18
Foreign trade.....8,14,26
Information.....33
Libraries.....35
Marketing.....31
National parks.....4
News services.....33
Omnibus bill.....11
Personnel.....21,30
Potatoes.....28
Poultry.....26
Property.....27
Research.....13,36
Salaries.....21
Sugar.....5
Textiles.....14
Tobacco.....32
Transportation.....2
Unemployment.....34
Vocational education....10
Water.....17
Water resources.....17
Watersheds.....12

HIGHLIGHTS; House committee voted to report Mexican farm labor, additional Assistant Secretary of Agriculture, and USDA administrative omnibus bill. Both Houses passed measure to continue appropriations to Oct. 31. House Rules Committee voted to report measure for investigation of Federal research programs. Sen. Church introduced and discussed bill to require labeling of packaged potatoes by State of origin.

SENATE

1. APPROPRIATIONS. Both Houses passed without amendment H. J. Res. 667, to continue until passage of the 1964 appropriations or October 31, whichever occurs first, appropriations for Government agencies. This measure will now be sent to the President (pp. 15106, 15149-53). See Digest 95 for an explanation of the coverage of the measure.

2. TRANSPORTATION. By a vote of 90 to 2, passed with amendments S. J. Res. 102, to provide for the settlement of the labor dispute between certain railroads and their employees. pp. 15072, 15082, 15095-8, 15106-41, 15143-4

3. BUILDINGS. Concurred in the House amendment to S. 1139, to repeal 40 U. S. C. 317, relating generally to GSA the purchase and installation of air conditioning and temperature and humidity control equipment in Government buildings in D. C., so that such equipment will be controlled by the using agencies instead. This bill will now be sent to the President. p. 15095

4. NATIONAL PARKS. The Interior and Insular Affairs Committee reported without amendment S. 1175, to revise the boundaries of the Carlsbad Caverns National Park, N. Mex. (S. Rept. 469). p. 15072

5. SUGAR. Sen. Dominick commended the growth in the domestic sugarbeet industry since the elimination of Cuban sugar cane supplies and inserted an article by the president of the Holly Sugar Company reviewing the current situation in the sugar industry. pp. 15078-81

6. BREAD. Sen. Keating urged that action be taken to counter the Canadian tariff on U. S. bread and inserted a letter from Secretary of the Treasury Dillon indicating that efforts will be made to reduce or eliminate this tariff during the forthcoming round of trade negotiations. pp. 15077-8

7. FOREIGN AID. Sen. Miller inserted a Wall Street Journal article critical of the foreign aid program and statements by Government officials in defense of the program. pp. 15075-6

8. FOREIGN TRADE. Sen. Lausche reviewed the importance of the forthcoming International Conference on Trade and Development in Geneva to our future trade with other nations and urged that the U. S. send a strong delegation who "will fight to protect the economic interests of this Nation." pp. 15096-7

9. COMMITTEE ASSIGNMENTS. Agreed to a resolution assigning Sen. Walters (Tenn.) to the Agriculture and Forestry and the Interior and Insular Affairs Committees. p. 15122

10. VOCATIONAL EDUCATION. Sen. Boggs inserted an article commending the vocational education program in Del. pp. 15142-3

HOUSE

11. AGRICULTURE COMMITTEE voted to report (but did not actually report) the following bills: p. D673

H. R. 8195, to extend the Mexican farm labor program.

H. R. 3850, to authorize an additional Assistant Secretary of Agriculture.

H. R. 7155, with amendment, the administrative omnibus bill to facilitate the work of the Department of Agriculture.

12. WATERSHEDS. The Agriculture Committee approved the following watershed projects: Bajura, P. R.; Little Walnut-Hickory, Kans.; Nolan Creek, Tex.; Tri-County Turkey Creek, Okla.; and Waterfall-Gilford Creek, Okla. p. D673

13. RESEARCH. The Rules Committee voted to report (but did not actually report) H. Res. 504, to create a select committee to investigate expenditures for research programs of the departments and agencies of the Federal Government. p. D674

14. FOREIGN TRADE. Several Representatives debated the merits of the new U. S.-Japanese bilateral textile arrangement. pp. 15213-22

Rep. Lipscomb urged cancellation of licenses authorizing shipments to Russia of potash mining machinery used for fertilizers. pp. 15202-3

15. ELECTRIFICATION. Passed as reported S. 1007, to guarantee electric consumers in the Pacific Northwest first call on electric energy generated at Federal hydroelectric plants in that region and to guarantee electric consumers in other regions reciprocal priority. pp. 15171-95

REJECTED the following amendments:

By Rep. Battin, to include the area in Montana, east of the Continental Divide, in the bill. p. 15192

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued Sept. 10, 1963
For actions of Sept. 9, 1963
88th-1st; No. 141

CONTENTS

Alcohol.....33
Appropriations.....18
Area redevelopment.....8
Atomic fallout.....20
Budgeting.....19,25
Dairy industry.....13,34
Education.....28
Electrification.....22,24
Farm labor.....4
Farm program.....10
Feed grain.....26
Foreign aid.....7,23,31
Grain standards.....11
Information.....27
Item veto.....18
Market news.....27
Milk.....29
Natural resources.....21
Nomination.....17
Nuclear Test Ban Treaty..9
Omnibus bill.....1
Opinion poll.....26
Parity ratio.....6
Personnel.....16
Pesticides.....5
Public Law 480.....2
Purchasing.....32
Reclamation.....14
Subsidies.....30
Surplus commodities.....33
Textiles.....3
Trade negotiations.....17
Water.....5,15
Wheat.....2,12
Wool.....3

HIGHLIGHTS: Sen. Curtis criticized administration farm policies. Sen. Carlson supported revision of grain standards. Sen. McGovern stated support growing for voluntary wheat certificate proposal. Sen. Allott expressed opposition to Proxmire dairy bill. House passed over USDA administrative omnibus bill. Rep. Findley charged discrimination in Public Law 480 sales of Soft Red Winter wheat. House committee (on Sept. 6) reported Mexican farm labor extension bill.

HOUSE

1. OMNIBUS BILL. When H. R. 7155, the administrative omnibus bill to facilitate the work of the Department of Agriculture, was called on the consent calendar, Rep. Ford raised questions about the provisions on agricultural counselors and rotation of agricultural attaches. Rep. Gross criticized the agricultural attaches provision and said he would ask that the bill be passed over if Rep. Ford did not. At the request of Rep. Ford, the bill was then passed over without prejudice. p. 15703

2. WHEAT. Rep. Findley charged discrimination against Soft Red Winter wheat under the Public Law 480 and subsidy programs. p. 15717

3. TEXTILES. Rep. Whitener criticized the U. S. textile agreement with Japan. pp. 15717-9

Rep. Cleveland criticized President Kennedy's policies toward the New

Hampshire wool industry. p. 15716

4. FARM LABOR. The Agriculture Committee (on Sept. 6 during adjournment) reported without amendment H. R. 8195, to extend the Mexican farm labor program until Dec. 31, 1964 (H. Rept. 722). p. 15721

5. PESTICIDES; WATER. Rep. Weltner inserted a paper entitled "Pesticides: A Hazard to Water Quality." pp. 15719-20

6. PARITY RATIO. Rep. Findley claimed the latest parity ratio shows that "the farmers of America are worse off than at any time since 1939." p. 15698

7. FOREIGN AID. Rep. Staebler inserted the AID Administrator's analysis of reductions in the foreign aid authorization bill. pp. 15711-5

8. AREA REDEVELOPMENT. Rep. Widnall stated that the proposed ARA authorization will not cover the urban areas containing small pockets of unemployed which do not qualify for benefits under the present act. pp. 15715-6

SENATE

9. NUCLEAR TEST BAN TREATY. Continued debate on ratification of the Nuclear Test Ban Treaty. pp. 15637-8, 15656-7, 15662-82, 15687-91

10. FARM PROGRAM. Sen. Curtis criticized administration farm policies, contended that the general agricultural situation is worsening, and urged that action be taken to restrict importation of farm products in competition with domestic products. pp. 15643-4

11. GRAIN STANDARDS. Sen. Carlson supported the proposal to revise our present grain standards, particularly standards for wheat "to enable our wheat to better compete in world markets with that from other wheat exporting countries," and inserted two editorials supporting the proposed revision. pp. 15644-6

12. WHEAT. Sen. McGovern expressed pleasure that "support is building up in the wheat States and among wheat associations for the voluntary wheat certificate proposal," and inserted a Young Democrats resolution supporting the proposal. p. 15660

13. DAIRY INDUSTRY. Sen. Allott expressed opposition to enactment of S. 1915, the Proxmire dairy bill, and inserted letters from the American Farm Bureau Federation and the Wisconsin Dairies Cooperatives opposing the bill. pp. 15660-2

14. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 283, to amend the Small Reclamation Projects Act of 1956 (S. Rept. 482). p. 15626

15. WATER RESOURCES. The "Daily Digest" states that the Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee will hold hearings Sept. 12 and 13, on S. 1111, the proposed Water Resources Planning Act. p. D698

16. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) S. 1973, to extend to Alaska and Hawaii bene-

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 722

ONE-YEAR EXTENSION OF MEXICAN FARM LABOR PROGRAM

SEPTEMBER 6, 1963.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. COOLEY, from the Committee on Agriculture, submitted the following

REPORT

together with

MINORITY VIEWS

[To accompany H.R. 8195]

The Committee on Agriculture, to whom was referred the bill (H.R. 8195) to amend section 510 of title V of the Agricultural Act of 1949, as amended, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

HISTORY OF THIS LEGISLATION

The law permitting the temporary entry of Mexican Nationals into the United States for employment as agricultural workers under the supervision and control of the Secretary of Labor and pursuant to formal agreements between the Governments of the United States and the Republic of Mexico, has been in effect since July 12, 1951. After several extensions, generally for periods of 2 years, the law is due to expire on December 31, 1963.

The need for Mexican agricultural labor is diminishing from year to year but is still acute in some areas and is essential to the planting and harvesting of some crops. Accordingly, bills were introduced early in the 88th Congress to extend this program for another 2 years.

HEARINGS

Hearings were held on these bills by the Subcommittee on Equipment, Supplies and Manpower, on March 27, 28, and 29, 1963. These

99-006—63——1

hearings went into the subject exhaustively. The subcommittee listened to the testimony of 60 witnesses and received communications from an additional 25 persons and organizations, which were made a part of the printed record.

ADMINISTRATION POSITION

At the hearings the administration was represented by Hon. W. Willard Wirtz, Secretary of Labor. He recommended, on behalf of the administration a 1-year extension of the law with additional amendments designed to make it more difficult for a farmer to qualify for the use of Mexican labor.

SUCCESS OF THE PRESENT PROGRAM

During the lifetime of this legislation, various amendments have been adopted and virtually all of these have been directed at providing further safeguards for domestic labor. The latest and most extensive of these amendments were added to the law in 1961.

In commenting on the successful operation of the program under the provisions of the present law, Secretary Wirtz said in his testimony to the subcommittee:

> I should like to suggest at the outset, in response to your reference to previous discussions of this subject, that it is my quite clear view that we meet this time with the value of experience which has in the last 2 or 3 years removed a good deal of the difficulty which had developed in connection with the administration of this program. And although the hearings may bring out some differences of points of view about it, I tell you with considered and quite complete confidence that I think that the most recent period of administration has seen a reconciliation of the extreme conflicts of interest in this program which gives us a much better basis to move ahead than we have had in the past * * *.
>
> In 1961, the administration proposed amendments to Public Law 78 designed to establish more specific legislative standards for protecting domestic workers against the undermining influence of the large-scale use of Mexican workers. Some of these amendments were adopted, while others were not. In signing the legislation as finally enacted by the Congress, the President directed the Secretary of Labor to use the full scope of his authority under the law to institute policies which would safeguard domestic workers against adverse effect resulting from the use of Mexican workers.
>
> The administration of the new amendments and new policies instituted since 1961 has, in my judgment, been reasonably successful in carrying out the purposes of Public Law 78 and meeting our responsibilities under it * * *.
>
> While the use of Mexican workers has dropped from approximately 291,000 in 1961 to 195,000 in 1962, at the same time, employment opportunities of domestic farmworkers have been preserved. Although the average seasonal employment of all farmworkers declined about 5 percent from 1961 to 1962, virtually all of the decline was

in the employment of Mexican nationals, and domestic worker employment remained almost unchanged.

H.R. 5497

After thorough consideration of all the testimony presented at the hearings, the committee reported favorably H.R. 5497, extending the program for 2 years without the amendment recommended by the Secretary of Labor.

The proposed amendment would have established a whole new set of rules and conditions for determining the eligibility of farmers to use Mexican labor. In view of the Secretary of Labor's statements about the success of the existing program in protecting the domestic labor force, the committee felt that his proposal for sweeping changes in the law at this time was inconsistent, unnecessary, and could only result in confusion and ineffectiveness. At a recent meeting with the subcommittee, Department of Labor officials indicated that they have, even now, only a hazy notion as to how the proposed amendment would be administered.

H.R. 5497 was brought to the floor of the House on May 29, 1963, and failed of passage by a vote of 158 to 174.

BILLS TO PHASE OUT PROGRAM

Following the defeat of H.R. 5497, several Members introduced identical bills to phase out the Mexican labor program over a period of 3 years. These bills would have limited the number of workers made available for employment under the program to a maximum of 150,000 in the calendar year 1964, 120,000 in 1965, 90,000 in 1966, and none thereafter.

Such bills were introduced by Mr. Byrnes of Wisconsin, Mr. Ford, Mr. Gathings, Mr. Gubser, Mr. Horan, Mr. Martin of California, Mr. Rhodes of Arizona, Mr. Talcott, Mr. Teague of California, Mr. Utt, and Mr. Don H. Clausen.

Reports on these bills were requested from the Departments of Agriculture, Labor, and State. In their reports the Departments were unanimous in recommending against the "phase out" bills and stating their preference for the 1-year extension of the act with an amendment, as proposed by the Secretary of Labor in his testimony before the subcommittee in March.

These departmental reports are set out in full later herein, including an enclosure from the Department of State comprising a note from the Mexican Ambassador indicating his Government's interest in the continuation of the program.

H.R. 8195

In view of the continuing, though diminishing, need for seasonal Mexican agricultural workers in the planting and harvesting of several crops, and in view of the negative position taken by the Departments of State, Labor, and Agriculture, on the proposal to phase out the program over a period of 3 years, the committee has approved and herewith reports favorably to the House the bill (H.R. 8195) to provide for a simple extension of the present program for an additional year. The motion to include the amendments which would have changed

the terms and conditions under which farmers may be certified to use Mexican workers was defeated in the committee by a vote of 28 to 4.

DEPARTMENTAL REPORTS

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, August 9, 1963.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in further response to your request for our views on H.R. 7185, a bill to phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended.

We oppose a 3-year extension of the Mexican farm labor program, even on a phasing out basis, as provided in H.R. 7185. My statement of March 27, before the Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture, presents the reasons for this view. As pointed out in the statement, growing problems in our domestic labor market and dramatic changes taking place in the utilization of agricultural workers precludes decisions regarding the need for continuation of the Mexican farm labor program beyond a very limited period.

We are mindful, nevertheless, of the needs of growers in many areas for an augmented labor force at peak periods to cultivate and harvest our crops. In meeting these needs, however, we think every effort should be made to extend available job opportunities to domestic workers. Accordingly, the Department has recommended legislation to extend the Mexican farm labor program for 1 year with an amendment requiring employers seeking to obtain Mexican workers to offer to domestic workers workmen's compensation or occupational insurance coverage, housing and transportation expenses equivalent to that furnished to Mexican workers. We think the program should be extended for 1 year if and only if this amendment as contained in the legislation transmitted to the Speaker of the House on March 26, is included.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Yours sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

AUGUST 26, 1963.

Hon. HAROLD D. COOLEY,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: This is in reply to your request for a report on H.R. 7185 and H.R. 7191, to phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended. Under the provisions of this bill the maximum number of workers made available for employment under this title would be

150,000 in calendar year 1964, 120,000 in 1965, 90,000 in 1966, and none thereafter.

The Department of Agriculture prefers instead the draft bill proposed by the administration in the statement presented by the Secretary of Labor in the hearings before the Subcommittee on Equipment, Supplies, and Manpower of the House Committee on Agriculture on March 27, 1963. In this statement the Secretary of Labor recommended a 1-year extension, and an amendment to section 503(3) which the administration considers as necessary to provide protection for the opportunities of domestic agricultural workers. A 1-year extension with these added protections would assure growers of an adequate supply of Mexican labor for the coming year and would still allow Congress and the administration time for a thorough reappraisal of the entire matter of employment of foreign workers in American agriculture, both under Public Laws 78 and 414, and its relation to the changing domestic labor supply situation. Such an appraisal would also allow Congress and the administration to evaluate the effects of such action as Congress may take in regard to proposals for improved voluntary methods of recruitment and training of domestic agricultural workers.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

DEPARTMENT OF STATE,
Washington, August 13, 1963.

Hon. HAROLD D. COOLEY,
Committee on Agriculture,
House of Representatives.

DEAR MR. CHAIRMAN: Thank you for your letter of June 26 asking for the recommendations of the Department of State on H.R. 7185 and H.R. 7191, which would phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949 (Public Law 78, as amended). I regret that consultations with other interested agencies have caused a delay in my reply.

The Department of State must limit its comments to the foreign relations aspect of the Mexican migrant labor program. The Department of Labor, which is primarily responsible for formulating the position of the executive branch on this program, has recommended a 1-year extension of Public Law 78 with an amendment to section 503(3) to provide protection for the employment opportunities of domestic agricultural workers. As a representative of the Department of State testified before the Subcommittee on Equipment, Supplies, and Manpower on March 27, 1963, this Department supports the recommendation of the Secretary of Labor.

The Government of Mexico has insisted, and the Department believes quite properly, that the recruitment of Mexican farm labor be regulated by agreements between the two Governments which determine the conditions of recruitment, transportation, remuneration, duration of employment, settlement of claims, and other related conditions of work for Mexican laborers. Public Law 78, as amended,

and the executive agreements with Mexico, have proven to be a successful method of providing the desired controls and safeguards. As long as in the opinion of the Department of Labor, other interested departments, and the Congress, it is desirable to recruit Mexican workers for agricultural employment in the United States, it is the view of the Department of State that, in the interests of good relations with Mexico and our international responsibilities, such recruitment should continue to be carried on under the provisions of Public Law 78 and the complementary intergovernmental agreement with Mexico. This view is also shared by the Government of Mexico, as evidenced by a recent note from the Mexican Ambassador, a translation of which is attached for your information.

The desirability of a phase-out of the program over a 3-year period, as would be provided by the two bills enclosed with your letter, would depend on domestic considerations which are outside the responsibility of this Department. The Department of State must therefore defer to the judgment of the Department of Labor that the program should be extended for 1 year if, and only if, certain provisions to protect domestic employment opportunities, as recommended by the Secretary of Labor are added.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

FREDERICK G. DUTTON,
Assistant Secretary.

EMBASSY OF MEXICO

The Ambassador of Mexico presents his compliments to His Excellency the Secretary of State and has the honor to inform him of the position of the Government of Mexico with respect to the decision taken by the House of Representatives of the Congress of the United States on May 29 last, rejecting the bill that would have authorized the executive branch of the United States to extend the international migrant labor agreement that expires on December 31 of this year.

The Government of Mexico considers that there would be no call for any observation whatever concerning the aforesaid action, had the need for Mexican labor that has existed for a number of years among the farmers in various parts of the United States disappeared, or if systems other than those used so far were available to meet that need. It is not to be expected that the termination of an international agreement governing and regulating the rendering of service by Mexican workers in the United States will put an end to that type of seasonal migration. The aforesaid agreement is not the cause of that migration; it is the effect or result of the migratory phenomenon. Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers,

which is precisely what the legislators of the United States are trying to prevent.

The Governments of Mexico and the United States have for many years been faced with the problem of the illegal entry of Mexican workers into U.S. territory in search of work. The maximum number of arrests made by the Immigration Service of the United States reached 803,618 in 1953, a year in which only 201,380 workers were contracted. Since that time the efforts of the two Governments to eliminate illegal entries, at the same time leaving the door open under the legal procedures of the international migrant labor agreement of 1951, produced the desired results, the number of arrests having been reduced to 31,106 in 1959, during which year 437,643 workers were contracted.

Despite the fact that in 1960 the number of contracted workers began to decrease markedly, the number of illegal workers did not increase, the conclusion being that the Mexican workers have understood and accepted the fact that if they cannot obtain work by contract, it is because they would not obtain it either by entering the United States illegally. Here are some pertinent data:

Year	Contracts signed	Deportation
1960	315,846	28,492
1961	291,420	31,350
1962	194,978	12,283

In the last 3 years there has been a considerable increase in the number of Mexican farmworkers who have applied for and obtained residence visas to come to the United States, through letters issued by farmers and growers in the United States who have offered them employment. It is estimated that no less than 32,000 farmworkers obtained their documents in 1961 and possibly some 40,000 in 1962. The statistics on the contracting during the last 5 years show that there were barely 50,000 jobs for the workers during the 12 months of the year, open at various times during the year and in various States, so that in order to be able to work without interruption during the entire year, it would be necessary for the workers to move from one place to another. Since it is impossible to achieve precision and coordination even with the means available to the two Governments, it is concluded that the aforesaid increased number of resident farmworkers do not have permanent work but in fact continue in their status as seasonal workers, working for an employer for 6 or 8 weeks and then returning to Mexico in the hope of being called upon to work for another short period—an operation that is repeated two or three times a year. As may easily be seen, this situation will create problems for both Mexico and the United States, since during the jobless seasons the worker with a residence visa will burden the economy on one of the two countries, with

the same consequences of accepting ill-paid work, obtaining official assistance, etc.

There is good reason to believe that the absence of an international agreement governing temporary employment of farmworkers will lead to an increase in the types of migration pointed out above.

Finally, it should be considered that on various occasions when at international meetings on migrant worker problems representatives of the Government of the United States have indicated their purpose of decreasing the contracting until the elimination point is reached, the Mexican representatives have requested that an attempt be made to make the decrease gradually, in order to give Mexico an opportunity to reabsorb the workers who have habitually been working in the United States and thus to stave off the sudden crisis that would come from an increase in national unemployment. The stoppage of the contracts at the start of 1964 would leave approximately 200,000 persons out of work.

It is not considered that the contracting of Mexican workers under the international agreement has produced unfavorable effects on American workers. Quite the contrary. The benefits granted the contracted braceros, in the matter of insurance covering occupational accidents and illness, the extremely careful regulations on lodgings and transportation, and the constant inspection of food have provided a pattern that can be followed for domestic workers who lack such protection. And with regard to the wage increase obtained for Mexican workers on various occasions, chiefly in the year 1962, what was obtained through the effort of the Mexican Government and the cooperation of the Department of Labor of the United States, to such an extent that in some localities the wages are higher than those paid to domestic workers, represents the reason why this type of work is now looked upon as acceptable by the American workers.

It was precisely the presence of the "wetbacks" in the fields of the United States that created a situation undesirable from every standpoint, since those persons have not even the most elementary kind of protection and were the victims of exploitation in respect of wages, because they were forced to accept whatever pay was offered to them, and domestic workers were unable to compete and found themselves compelled to move to other areas. The lack of an agreement to facilitate contracting as long as there is a shortage of farm labor, which the Mexican workers have been covering, would tend to bring about a return to that situation. And although Mexico would make efforts to prevent it, as was indicated by the Secretary of Foreign Affairs of Mexico at a press conference on June 5, the willingness of American employers to give work to the wetbacks explains why in many cases the Mexican workers violate the law of the United States, and it is very important for the Government of this country to solve this problem.

The virtual extinction of discrimination against and segregation of persons of Mexican nationality in areas of the

United States where such practices once existed can decisively be attributed to the contracting of Mexican workers under international agreements. Th eneed for labor which only the Mexican could supply but which was not authorized for localities where special schools were maintained for Mexicans, or where they were segregated in restaurants, theaters, etc., and discriminated against in respect of wages, etc., led the authorities concerned to put an end to that situation.

There is no doubt that this has been a firm foundation for the good relations between the peoples of the two countrits.

In this connection, it is appropriate to note that in September 1954, the President of Mexico stated in his annual message to the Congress that efforts were being made to solve the difficult problem caused by the exodus of Mexican farmworkers, "acting in full and friendly cooperation with the Government of the United States in this task, in order that those who go to work may do so under the protection of existing agreements." And if indeed the contracting should come to an end, it is hoped, as the Secretary of Foreign Affairs said during the press conference mentioned above, that the two Governments will act vigorously and determinedly to prevent the illegal traffic of workers, which benefits neither Mexico nor the United States and is a constant point of discussion between the two Governments and the communities where the braceros who enter illegally work.

(Initialed).

WASHINGTON, D.C., *June 21, 1963.*

HISTORY OF MEXICAN FARM LABOR PROGRAM

During World War II, and until 1951, Mexican workers were admitted into the United States for temporary employment in U.S. agriculture under various authorities, none of which were entirely satisfactory either to the workers, the employers, or the two Governments involved.

In 1951, the Congress approved Public Law 78 (82d Cong.), which added title V to the Agricultural Act of 1949. The major features of this legislation are as follows:

1. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

2. Authorizes the Department of Labor to (*a*) undertake a recruitment and placement function with respect to such workers, (*b*) assist workers and farmers to enter into contracts for agricultural employment, and (*c*) guarantee the payment of wages and transportation by farmer employers.

3. Requires employers who wished to employ Mexican workers to (*a*) indemnify the U.S. Government for its guarantee of their contracts, (*b*) pay into a revolving fund a fee for each worker to support the program financially.

4. Restricts the use of Mexican workers to instances or areas where the Secretary of Labor certifies that (1) domestic workers, able, willing, and qualified are not available; (2) the employment of Mexican

workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and (3) reasonable efforts have been made to attract domestic workers at comparable wages.

5. Eliminates bond requirement of general immigration statutes for such workers.

6. Provides that no such workers would be provided any employer who employed illegal aliens, either with knowledge or with reasonable grounds to believe they were here illegally.

7. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, December 31, 1961, and December 31, 1963.

The program is almost entirely self-supporting and will not burden our financial structure. Until 1947 the entire cost for importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire costs of the program.

Under Public Law 78, the funds for payment of the expenses incurred in recruiting Mexican workers are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is $15 per worker for an initial contract and $15 for a recontract. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again.

The committee would also draw to the attention of the House the fact that Public Law 78 was not enacted as some sort of an emergency law to take care of an unusual emergency arising from the Korean war. The original House committee report on Public Law 78 clearly set forth the basic reason for this legislation as an act of Congress designed to solve an acute and continuing shortage of agricultural workers and the unsatisfactory nature of the previous procedures for their admittance. While references to the Korean war exist in the original report and in the debate, it was, and is the clear intent of this committee that Public Law 78 not be considered a wartime measure.

THE FARM LABOR SITUATION

There has been so much misunderstanding of the facts with respect to the need for seasonal farm labor that the committee would like to summarize briefly a few aspects of the current situation.

The farm work force

About 73 percent of the farm work force consists of the farmer and members of his family. About 27 percent consists of hired workers.

The hired workers are either (1) permanent or semipermanent or (2) seasonal. The seasonal workers are predominantly local workers, but are supplemented by a comparatively small number of migratory workers, both domestic and foreign. The major portion of the foreign workers are Mexican nationals, admitted pursuant to the provisions of Public Law 78.

The exceptional feature of the hired farm labor requirement of agriculture is its seasonality. It is, of course, this seasonal requirement that creates the need for a supplemental supply of labor in some areas that cannot be filled from local sources.

This situation is reflected statistically in the following table:

Seasonal composition of farm labor force in 1962

[Thousands of workers]

Mouth	Total farm labor force [1]	Farmers and family labor [1]	All hired workers [1]	Seasonal workers			
				Total [2]	Local [2]	Domestic migrants [2]	Mexican nationals [2]
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
January	4,706	3,831	875	325	229	43	40
February	5,147	4,108	1,039	310	222	41	34
March	5,736	4,488	1,248	311	227	38	33
April	6,617	5,029	1,588	381	285	49	37
May	7,332	5,339	1,943	743	250	116	65
June	7,988	5,350	2,638	1,135	824	212	87
July	7,925	5,221	2,704	1,219	871	277	65
August	7,993	5,383	2,610	1,055	727	249	75
September	8,332	5,684	2,648	1,189	846	228	106
October	7,598	5,395	2,203	1,102	783	207	101
November	6,069	4,606	1,463	511	364	87	47
December	4,963	4,034	929	314	228	23	29

[1] From Farm Labor, published monthly by U.S. Department of Agriculture.
[2] From Farm Labor Market Developments, published monthly by U.S. Department of Labor. Entries in col. (5) include a few foreign workers not shown in cols. (6), (7), and (8).

Importance of Mexican program to small farmers

Since 1950, the average number of hired farmworkers on U.S. farms has declined from 2,329,000 to 1,827,000 as a result of technological developments. Despite this, some farm operations, such as weeding vegetables or harvesting fruits and vegetables, are performed in approximately the same manner as decades ago. Much of this work is generally called stoop labor. It is a kind of work that few U.S. citizens will do. It is this kind of work that most Mexican workers are engaged in.

Mexican nationals are used primarily in the production and harvesting of such crops as lettuce, carrots, sugarbeets, tomatoes, cotton, peaches, berries, and other fruits and vegetables. For these commodities virtually any commercial producer must hire workers for weeding and harvest operations which he cannot use the rest of the year.

The committee received a great deal of testimony, and we are convinced it is factual, that if the Mexican farm labor program were terminated, the impact of such action would more adversely affect small farmers than large farmers. This is because (1) large farmers are already mechanized to a greater extent than small farmers, (2) in

a critical labor shortage large farmers could mechanize more rapidly and more completely than small farmers, and (3) large farmers could, in an emergency, carry out distant and costly worker recruiting and transportation programs, completely beyond the means of small farmers.

Most small farmers would be unable to mechanize to any appreciable degree. Mechanization is an expensive adjustment. Most small farmers do not have the capital to mechanize their operations. Even if they had the capital, their volume is insufficient to amortize the costs of such investment.

The committee concludes that the termination of the Mexican worker program would disastrously affect small farmers in the areas in which such workers are employed.

Number and distribution of Mexican workers

The number of Mexican workers contracted during each of the past 5 years is as follows:

1956	445, 197	1960	315, 846
1957	436, 049	1961	291, 420
1958	432, 853	1962	194, 978
1959	437, 647		

It should be noted that the number shown above is substantially in excess of the number present in the United States at any one time, since many contracts are for relatively short periods, and in no case for more than 6 months.

The decline of employment of Mexican nationals in recent years will also be noted. This is due to the progress in mechanizing harvest operations, particularly the harvest of cotton.

Further reductions in the employment of Mexican nationals during each of the next few years is expected.

Mexican nationals were employed in 21 States in 1962 as follows:

Arizona	16, 906	Nebraska	2, 119
Arkansas	12, 410	Nevada	66
California	127, 002	New Mexico	2, 144
Colorado	10, 372	Oregon	365
Illinois	113	South Dakota	98
Indiana	587	Tennessee	165
Iowa	174	Texas	36, 289
Kansas	142	Utah	640
Michigan	13, 327	Wisconsin	778
Minnesota	39	Wyoming	1, 398
Montana	1, 814		

The following table reflects the major reductions made since 1959 in the employment of Mexican nationals by farmers in the major using States on a man-month basis.

Man-months of Mexican labor, by State, 1959–62

State	Man-months				Percent change, 1959–62
	1959	1960	1961	1962	
U.S. total	1,630,950	1,358,058	1,148,800	716,426	−56
Texas	733,724	569,177	496,702	188,409	−74
California	560,690	487,680	406,255	378,570	−32
Arizona	110,608	104,078	86,810	61,666	−44
Arkansas	84,689	78,436	52,988	18,664	−78
New Mexico	81,368	60,362	46,783	17,888	−78
Michigan	22,776	21,381	23,788	18,361	−19
Colorado	15,747	16,112	19,192	19,690	+25
Montana	3,257	3,376	3,122	2,644	−19
Nebraska	2,733	2,712	2,474	2,715	−1
Wyoming	1,816	1,852	2,423	2,010	+11
Georgia	1,812	1,806	1,454	0	−100
Wisconsin	1,496	1,531	1,340	1,327	−11
Utah	1,837	1,804	1,276	1,850	+1
Tennessee	2,474	2,283	1,060	330	−87
All others	4,945	4,013	1,835	2,302	−53

Source: Farm Labor Market Developments, February 1963, BES-USDL.

Farm wages

Farm wages in U.S. agriculture have increased steadily. In 1950 the index of farm wages, published by the U.S. Department of Agriculture, was 432 (1909–14 equals 100). In 1962 the index was 856, an increase of 98 percent.

Farm wages are continuing their upward trend.

The committee considers the relationship between farm wages and farm incomes is an important factor that must in all reason and equity be given consideration in any analysis of this subject. The overall situation does not support any supposition that the program has operated to subordinate the interest of workers to those of farmers.

JUSTIFICATION FOR CURRENT EXTENSION

It is the committee's view that the benefits of the Mexican farm labor program have substantially outweighed its disadvantages. The committee would include among such benefits the following:

1. It has supplied farmers with workers that were not available from the labor force of the United States. Experience has shown that most American labor is unwilling to accept seasonable agricultural employment.

2. It has virtually eliminated the wetbacks, illegal aliens who once swarmed across our southern border. It should properly be referred to as the antiwetback bill.

This is dramatically illustrated by reports of the U.S. Immigration and Naturalization Service, which indicate the tremendous drop in illegal wetback entries since the program has operated. As can be seen from the following table, the number of wetbacks has dropped from 1,075,168 in fiscal year 1954 to only 30,272 in fiscal year 1962:

Fiscal year:	*Number of persons*	Fiscal year—Continued	*Number of persons*
1952	534, 538	1958	37, 242
1953	875, 318	1959	30, 196
1954	1, 075, 168	1960	29, 651
1955	242, 608	1961	29, 877
1956	72, 442	1962	30, 272
1957	44, 451		

Source: U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C., Mar. 29, 1960—Mexican nationals apprehended in the United States in violation of immigration laws by fiscal years.

3. It has benefited Mexican workers and the communities to which they return, by providing employment to such workers that would otherwise not be provided, and at wages many times what they could earn in Mexico.

4. It has been a substantial aid to the Mexican economy in that it is the second most important source of dollar exchange to the Republic of Mexico (next to the tourist trade). The wages received in the United States and taken back to Mexico by these workers have helped make possible a continuing balance of trade in our favor. In 1962 our exports to Mexico were $790.2 million; our imports were $578.3 million—a balance of $211.9 million in our favor.

5. All dollars earned and taken home by Mexican workers are eventually returned to the United States, providing additional employment in U.S. commerce and industry. Mexico is now one of our most important customers.

The committee has heard testimony that the program has adversely affected the opportunity of employment of domestic workers. On the other hand the committee has heard testimony that the Department has been unduly restrictive in the number of Mexican workers admitted.

The committee has also heard testimony that domestic workers have been denied employment because of the employment of Mexican nationals. On the other hand it is contended that the Department has required farmers employing Mexican workers to also employ domestic workers who are not able, willing, or qualified workers.

The committee recognizes that it is not likely to be possible to administer a program involved this deeply in human relationships to everyone's satisfaction. However, the committee believes there has thus far been a reasonable balance between overly liberal and overly restrictive certifications, and that the Department has reasonably accomplished the objective of providing preference to domestic workers who are able, willing, and qualified for employment at the occupations and in the area involved.

QUESTIONABLE DEPARTMENTAL ACTIONS

During the hearings the committee has reviewed evidence regarding the administration of the act by the Secretary of Labor. More particularly, it has considered with great concern the determinations made by the Secretary of Labor under subsection (2) of section 503 of the act. Under this subsection, before any workers are to be made available for employment in any area, the Secretary of Labor must first determine and certify that the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

Purporting to act under this authority, the Secretary of Labor has recently been setting wage rates for Mexican nationals (which also must be paid to domestic workers by the employers of nationals) which he euphemistically calls "the wage rate to prevent adverse effect." The committee has viewed this action with great concern because, under the guise of making a determination relating to the wages of Mexican workers the Secretary of Labor actually is establishing a minimum wage for domestic agricultural labor. Clearly it was never the intention of Congress to give the Secretary such authority. Congress only intended that he determine adverse effect on the basis of the prevailing wage. The so-called adverse effect wage orders are presently being challenged in the courts, and it is expected that the courts will in due course curb this unwarranted usurpation of power by the Secretary of Labor.

This same matter was considered with considerable concern by this committee in connection with its report on H.R. 12176, 86th Congress (H. Rept. 1642, May 23, 1960). In that report the committee declared:

> The basic issue is whether, within the framework of our constitutional form of government, it is for the Congress or for the executive branch to legislate in this important area [the regulation of wages and hours] of the law.
>
> The committee believes that if such regulatory authority is to be exercised by the Federal Government, this should be done only after proper legislative process and affirmative action by the Congress.
>
> Whatever anyone may believe the Congress should do in this connection, the inescapable fact is that the Congress has not done so; and until Congress chooses to do so by specific congressional enactment, it is a violation of sound governmental practice for an executive agency to proceed without such specific mandate.

The committee reiterates its position on this matter, and it hereby declares that this recommendation for an extension of the act is not to be construed in any way as condoning or approving the actions of the Secretary of Labor in assuming authority to regulate wages or hours in agriculture.

DEPARTMENTAL POSITION

The U.S. Department of Labor recommended a 1-year extension of the Mexican farm labor program, and a number of revisions in Public Law 78.

The committee has carefully considered these proposals and does not believe the statute should be amended in the respects proposed.

The Department recommended that all employers of Mexican nationals be required to provide workmen's compensation insurance for the domestic workers they employ.

The question of coverage of workers by occupational insurance is one that has been dealt with periodically by every State legislature. This is historically an area of public policy that the Congress has seen fit to leave to the States. The committee believes that this should continue to be an area that Congress should leave for State jurisdiction and that we should avoid establishing any precedent to the contrary by casual inclusion of workmen's compensation insurance requirements

for a few domestic farmworkers in a bill relating to the employment of Mexican nationals.

The Department also recommended that employers of Mexican nationals be required to provide the same housing and transportation to domestic workers as they provide for Mexican workers. The committee considers this proposal to be completely impractical. As noted in the tables above, most domestic workers are local people requiring neither transportation nor housing. To endeavor to establish such requirements with respect to some but not all domestic workers would involve insurmountable administrative complications and embroil farmers and Department officials in constant controversies.

It is reasonable to require a farmer to pay transportation from the border and return for a group of Mexican workers who normally complete their contract terms because they must return to Mexico if they leave the employment of the farmer. But to require farmers to pay transportation from distant points to domestic workers who may leave his employment the day after they arrive would be an unreasonable requirement.

Any relationship between the use of braceros and displacement of American workers classified as hard core unemployed can be judged by the experience in Michigan. The Michigan Employment Security Commission, in attempting to place urban unemployed into seasonal agriculture jobs found fewer than 1 out of 20 stayed on the job long enough to have a successful work completion record.

To provide, as has been suggested, that the Secretary might be authorized to require supplemental payments to domestic workers in lieu of providing housing and/or transportation, would involve numerous and difficult problems of interpretation and administration which would necessarily have to be different in different areas and even on a farm-to-farm basis and would still give no assurance of an adequate supply of domestic labor.

The authority of the Secretary to determine the amounts of such transportation and housing allowances and the criteria to be used in such determination would be entirely within the discretion of the Secretary. The committee does not agree that a delegation of such a broad discretionary power to the Secretary is proper or desirable.

It is the opinion of the majority of the members of the Committee on Agriculture that if it is deemed desirable to promulgate rules and regulations or legislation affecting work conditions for domestic employees, as contrasted with those pertaining to Mexican contract workers, this matter should be the subject of separate legislation. Such legislation should apply equally to all domestic farm labor and not just to that which is employed on farms using Mexican nationals.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

AGRICULTURAL ACT OF 1949

* * * * * * *

TITLE V.—AGRICULTURAL WORKERS

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements), the Secretary of Labor is authorized—

(1) to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the Unite dStates under legal entry),

(2) to establisb and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;

(3) to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;

(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding $150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

(1) to indemnify the United States against loss by reason of its guaranty of such employer's contracts;

(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed $15 per worker; and

(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501(5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of employment to such reception center, less any portion thereof re-

quired to be paid by other employers: *Provided, however,* That if the employer can establish to the satisfaction of the Secretary of Labor that the employer has provided or paid to the worker the cost of return transportation and subsistence from the place of employment to the appropriate reception center, the Secretary under such regulations as he may prescribe may relieve the employer of his obligation to the United States under this subsection.

SEC. 503. No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers. In carrying out the provisions of (1) and (2) of this section, provision shall be made for consultation with agricultural employers and workers for the purpose of obtaining facts relevant to the supply of domestic farmworkers and the wages paid such workers engaged in similar employment. Information with respect to certifications under (1) and (2) shall be posted in the appropriate local public employment offices and such other public places as the Secretary may require.

SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

(2) for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

SEC. 505. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: *Provided,* That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

SEC. 506. (a) Section 210(a)(1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(b) Section 1426(b)(1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

"(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended."

(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U.S.C., sec. 132).

(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them.

SEC. 507. For the purposes of this title, the Secretary of Labor is authorized—

(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

SEC. 508. For the purposes of this title—

(1) The term "agricultural employment" includes services or activities included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 1426(h) of the Internal Revenue Code, as amended.

(2) The term "employer" shall include an association, or other group, of employers, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

SEC. 509. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section 508, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

SEC. 510. No worker will be made available under this title for employment after [December 31, 1963] *December 31, 1964.*

MINORITY VIEWS ON H.R. 8195, TO EXTEND THE MEXICAN FARM LABOR IMPORTATION PROGRAM

Only 3 months ago, the House of Representatives rejected a bill to extend the Mexican farm labor importation program or Public Law 78. The measure was defeated by a 16-vote margin, 158–174.

The House worked its will on Public Law 78 on May 29, 1963. A majority of the House signified its belief that valid reasons for Public Law 78's operation no longer existed; that unemployed U.S. workers, especially the great number of jobless U.S. farmworkers, needed the jobs taken by Mexican nationals; that Public Law 78 is simply a means of providing cheap, easily exploitable, and docile labor for less than 1 percent of U.S. farms and that Public Law 78 helps huge, corporate-type farms while harming family farmers.

Yet now the House is being asked once again to approve a continuation of Public Law 78. It is being asked to vote again on the sixth extension of this law.

MAY 29 VOTE SHOULD STAND

The facts concerning Public Law 78 are no different today than they were on May 29 when the House voted against a continuation of this statute.

Unemployment in the United States is still extremely high with 4,300,000 Americans or 5.6 percent of the labor force jobless.

In rural areas, unemployment is still even worse. An average of 7.3 percent of farmworkers were unemployed and an additional 9.5 percent were underemployed in 1962.

Sharply increasing mechanization is still reducing agricultural employment. Some 300,000 jobs disappeared in 1962. Some 20 percent or 1 million of the family and hired farm labor jobs will be done away with in this decade.

The importation of hundreds of thousands of Mexican farmworkers (195,000 in 1962) is still a subsidy for less than 1 percent of American growers.

The importation still depresses the wages and working conditions of American farmworkers and provides unfair competition for small farmers in areas not using Mexican nationals.

Public Law 78 still negates the free enterprise system because it does not permit the laws of supply and demand to operate.

There is no possible reason for the House to reconsider its vote of May 29. The extension of Public Law 78 would constitute as great a moral and practical wrong today, as it would have then.

ONE-YEAR EXTENSION IS A FARCE

There is no real difference between H.R. 8195, which the House is now being asked to approve, and H.R. 5497, which the House voted down on May 29.

True, H.R. 8195 would extend Public Law 78 for 1 year, while H.R. 5497 would have extended it for 2 years. But this "difference" has no real meaning, for the supporters of Public Law 78 readily admit they will not agree to an end of Public Law 78 in 1 year. They acknowledge that they do not seek simply a year's grace to allow growers to shift over to the use of U.S. farmworkers.

The supporters of Public Law 78 have made it very clear that they want the importation of Mexican farmworkers to continue for a long period of time. They want the 1-year extension because that is the longest continuation they believe they have a chance to get now and because they hope that legislative conditions may be more opportune next year for a longer extension. If H.R. 8195 were enacted, if a 1-year extension were granted by Congress, the House would be embroiled in exactly the same battle in 1964 as it was in May and as it is right now.

After all, Public Law 78 was enacted in 1951 as a "temporary" measure to meet some "emergency conditions" caused by the Korean war. That is what leading proponents called the measure at that time in the debate of both the House and the Senate. The supporters of Public Law 78 would like to deny that fact today—12 years after this "temporary" measure was enacted—but the legislative record stands.

Public Law 78 was enacted for only a 2-year duration in 1951. Since then, it has been extended five times—mostly for 2 years at a time, but once for only 6 months and once for 3½ years. The 1-year extension of H.R. 8195 is part of the old stratagem: Get as long an extension as possible and before it expires, get still another extension.

This masquerade is an insult to the House. It has gone on long enough. Public Law 78 is "a bad law, a wretched law that should be buried"—as the Under Secretary of Labor John F. Henning, testified.

WEAK REFORMS OMITTED FROM H.R. 8195

H.R. 8195 does not even contain the weak reform amendment which the Senate wrote into Public Law 78 on August 15, 1963. The amendment adopted by the Senate requires that a grower must offer U.S. farmworkers free transportation, free housing, workman's compensation, and a work guarantee before he can apply for Mexican nationals. This amendment would give U.S. farmworkers only some of the benefits which the imported Mexican workers have enjoyed for a long time. These provisions were offered in the Agriculture Committee as an amendment to H.R. 8195, but they were defeated.

The rejection of the amendment further unmasks the cruelty, the discrimination, and the harm to U.S. farmworkers of Public Law 78. It is nonsense to argue that U.S. workers get preference for jobs when the benefits provided imported Mexican nationals are superior to those offered U.S. citizens for the very same jobs. It is nonsense to argue that U.S. workers could have the job if they must pay for transportation from Texas to California from their meager annual income of $1,000, while a Mexican worker gets free transportation from Mexico.

PUBLIC LAW 78 DISADVANTAGES U.S. WORKERS

Under Secretary of Labor John F. Henning, testifying before the Senate Subcommittee on Migratory Labor on July 30, 1963, said:

> We would regard it as unthinkable that this law should be continued without extending to domestic workers more of the benefits that are enjoyed by braceros and I doubt if on an Americanism basis anyone can argue for the continuance of a program that discriminates against American workers * * *.
>
> The administration considers these improvements to be vital if we are to continue the large-scale use of foreign agricultural workers even for 1 year. We are not meeting our responsibilities to our own workers until we condition the use of this large foreign worker force upon realistic job offers to domestic workers—to our own people. In our judgment, the present limitations in the law do not provide for a realistic test of whether our unemployed workers will accept available farm jobs * * *.
>
> Being an American citizen places one at a serious disadvantage under the options of this law, because the simple fact is that under the present system an employer can refuse to offer domestic workers the same terms and conditions that he is required to offer alien workers. If the domestic worker refuses to accept the job at less favorable terms, the employer is permitted to bring in Mexican workers who are then afforded the very terms and conditions which were denied to our own workers.

These amendments would not alter the inherent moral and economic evils of Public Law 78. Because of its very nature, the Mexican farm labor importation program would still hurt U.S. farmworkers and family farmers. But the rejection of even these weak reform amendments demonstrates clearly the great extent of discrimination which this U.S. law practices against U.S. citizens.

PUBLIC LAW 78 CAUSES POVERTY

Public Law 78 is the ultimate of all the obstacles and discriminations which the United States has placed upon the Americans who earn their livelihood by cultivating and harvesting our Nation's abundant food and fiber. Farmworkers are specifically denied coverage under the Fair Labor Standards Act, under most State unemployment compensation laws, under the Labor-Management Relations Act, and under most State workmen's compensation laws. In addition, Public Law 78 denies them the right to let the free market set their wages without an artificial and unusual downward pressure.

It is little wonder that farmworkers are the poorest of any group of workers in the United States. In 1962, they were able to earn an average of only $913 and find work for an average of only 134 days in agriculture during the entire year.

PUBLIC LAW 78 DEPRESSES WAGES AND JOB OPPORTUNITIES

Public Law 78 provides that the importation of Mexican nationals—also known as braceros—shall not cause an "adverse effect" to American farmworkers. That is pious window dressing.

It is impossible to contract 195,000 foreign workers into any one industry in a year without causing a depressing effect on wages and job opportunities in that industry. What is more, under Public Law 78 the foreign workers are specially selected for apparent brawn and stamina. They are specially docile and fear being sent back to their homes before completing their work. They must work where they are contracted for, and cannot move in search of better conditions.

The form of the importation also makes a mockery of the "adverse effect" prohibition of Public Law 78. The grower offers work at a certain wage—as little as 60 cents an hour in bracero-using areas of Arkansas. If that wage is not adequate to attract a sufficient number of U.S. workers, the grower need not raise the wage. He simply asks the Federal Government to recruit Mexican farmworkers for him. Public Law 78 effectively prevents the law of supply and demand from setting farm labor wages.

The system has been attuned to discourage U.S. farmworkers from many bracero-using areas. In most parts of California, the main bracero using State, family-type housing or family campsites have been removed and barrack-type housing erected. The barracks accommodate single workers. But American farmworkers generally move with their families, rather than as single men. Mexican nationals come as single men.

FREE MARKET CANNOT DETERMINE WAGES

Kirke Wilson, the 24-year-old field representative of the Sequoia Farm Labor Association of Visalia, Calif., put the problem succinctly when he testified before the Subcommittee on Equipment, Supplies, and Manpower. He said:

> The scandal is that the U.S. Government is operating a farm labor program which directly intervenes in the labor market, eliminates competition, and prevents improvement. The effect of an inexhaustible supply of labor upon the market can be nothing other than freezing, if not depressing, the wages and working conditions.
>
> It is absurd to suppose that the existence of an inexhaustible supply of labor does not directly depress wages. There can be no free market determining the value of labor as long as farmers know that they can always get braceros. The growers' association issues preseason scales of recommended wages. If these are not adequate to attract U.S. farm labor, as is usually the case in asparagus and tomatoes, braceros are certified at the prevailing wage.
>
> * * * By depressing wages, the program encourages migration of U.S. farmworkers out of the bracero-dominated areas. Family housing is replaced by facilities for organized groups of single men.

PUBLIC LAW 78 COUNTERS FREE ENTERPRISE SYSTEM

Mr. Wilson's testimony on the lack of a free market in determining the value of labor points to Public Law 78's negation of the free enterprise system. With the Mexican farm labor importation program operating, there is little, if any, competition for labor among growers in many areas. The law of supply and demand is not permitted to work. These two bases of the free enterprise system are simply cast aside by Public Law 78.

The grower organizations, who so often and so loudly proclaim their stanch adherence to the free enterprise system, are the only beneficiaries in the American economy of a Government-operated program to prevent the free market from raising wages—a Government wage-control program. The grower organizations, who are in such anguish against Government programs which would help the unemployed and the underprivileged, are delighted with a Government program which counters the free market because it puts money in their pockets.

RURAL UNEMPLOYMENT IS HIGH

Public Law 78 feeds on the unemployment and poverty in Mexico, and creates unemployment and poverty in the United States. It prevents a competition for labor among growers, but it causes a competition for jobs among farmworkers.

Rural unemployment and underemployment is high—much higher than in urban areas. In testimony before congressional committees in 1961, then Secretary of Labor Arthur Goldberg declared that if rural unemployment and underemployment were calculated together, it would total the equivalent of 1,400,000 fully unemployed persons. The manpower report submitted to President Kennedy by the Labor Department stated that 3 million family and hired agricultural jobs were lost between 1947 and 1962 and an additional 1,500,000 will disappear by 1975.

The jobs situation in agriculture is getting more and more desperate. We are currently in a period of sharply increasing mechanization, which is taking a very high toll of farm labor jobs. In the cotton harvest, alone, employment dropped by a quarter-million persons between 1959 and 1961. An additional 120,000 workers will be displaced by 1964, the Department of Labor estimates.

Many of the lucky ones who found work in cotton harvesting last year had their employment reduced by 60 to 90 days. Some experts predict a wave of migration of unemployed rural people from the South, Texas, and other States that will rival the duststorm movement of the 1930's.

Under these conditions, it would be sheer and callous folly to continue importing Mexican nationals. U.S. citizens in rural areas desperately need the jobs which the braceros take.

PUBLIC LAW 78 AIDS LARGE FARMS

Public Law 78 benefits less than 1 percent of America's farms—and these are generally the large corporation-type farms.

According to the 1950 Census of Agriculture, 51.9 percent of U.S. farms use no hired labor whatsoever. Another 36.5 percent made annual expenditures of less than $1,000 a year for hired labor. In

other words, 88.4 percent of the Nation's farms used no or very little hired labor. These were hardly the farms which employed 195,000 Mexican nationals.

On the other hand, in the San Joaquin Valley area alone, one of the giants of agriculture business, the California Packing Corp., employed 1,456 braceros in 1961. Bud Antle, Inc., employed 1,095 braceros in California's central coast area, another 683 in Arizona and hundreds more in other areas. In its desert area operations alone, the Di-Giorgio Fruit Corp. employed 425 Mexican nationals. Public Law 78 obviously is a bonanza for the huge corporation-type farms.

PUBLIC LAW 78 HURTS FAMILY FARMS

The Mexican farm labor importation program harms family farmers growing vegetables, fruits, sugarbeets, and cotton. It puts them to further disadvantage in their competition with corporation-type farms. The program harms the family farm in two ways:

1. The less hired labor costs the large farm, the less the family labor of the competing small farms is worth.

2. The cheap bracero labor permits sharp increases in production and the consequent lowering of price to all farmers.

The National Farmers Union, speaking on behalf of family farmers, told the Subcommittee on Equipment, Supplies, and Manpower in its testimony:

> It is our belief because small farmers are not likely to use Mexican workers, the Mexican farm labor program has had a detrimental impact on the traditional family-type American farm. Family-type farms rely largely on labor sources within the operator's family to carry on their productive activities. Most of the income from family farms comes from their own family labor on their own crops. Large-scale farm operators, employing low-cost Mexican farm labor, flood the market with crops that compete directly with the output of the family farmer's own labor. The depressed market prices which result, while providing an adequate return for volume production on large-scale farms, has the effect of giving the family farm operator a wage income comparable to that of the Mexican workers.

EXAMPLES OF HARM TO FAMILY FARM

Growers of midspring strawberries in Virginia, Kentucky, Tennessee, Arkansas, and Oklahoma have painfully learned the effect of Public Law 78. These growers use U.S. farm labor. They have had to curtail production sharply as prices fell because California growers, largely using braceros, doubled their production in the last decade. In the second largest producing State, Tennessee, for example, production of strawberries declined by 14 percent in the 10-year period.

One of the most important bracero-dominated crops in the West is tomatoes for processing. In Indiana, where U.S. farmworkers are employed on the crop, output dropped more than 40 percent in the years 1950 to 1960. Production also fell sharply in New York, Pennsylvania, Maryland, and Virginia. The availability of Mexican nationals has greatly improved the ability of corporation-type farms

to expand production and compete against other States for the commercial processing market.

Growers of spring lettuce in North Carolina, South Carolina, Georgia, and other eastern areas have lost about 75 percent of their production over a 6-year period. Growers in the bracero-dominated lettuce areas of Arizona and California have increased their production about 25 percent.

Small farmers are hurt as much as U.S. farmworkers by Public Law 78.

PUBLIC LAW 78 SUBSIDIZES USERS

There is no doubt that Public Law 78 provides certain real economic advantages for those growers using it. It does create a downward or limiting pressure on wages. Braceros are docile workers who can be intimidated and who can be prevented from protesting. Housing for these single men is cheaper than for the migrant families. Braceros are carefully chosen and are prime labor, while American workers are distributed in ability in the same manner as any other large group in a random selection.

In fact, Public Law 78 is truly a subsidy for the corporation farms, canning companies, and sugar firms using it. This is true not only because Public Law 78 guarantees them a labor force whose wages are artificially depressed; in addition, the grower no longer pays the full amount of the cost of importing the braceros. According to Public Law 78, the grower pays $15 per worker into a revolving fund which is to cover the cost of recruiting, transporting, feeding, and other expenses of the worker on his way to the job.

But during Under Secretary of Labor John F. Henning's appearance before the Senate Migratory Labor Subcommittee on July 30, 1963, Senator Harrison A. Williams, chairman of the subcommittee, asked what it currently costs the Department to import braceros. Here is the testimony:

> Mr. HENNING. It is costing us approximately $18-plus at the moment.
>
> Senator WILLIAMS. In other words, there is a deficit of an average of $3 per worker?
>
> Mr. HENNING. Yes; the costs are running higher than the income at the moment.

Right now, the Labor Department is still able to make up the deficit by dipping deeper into the fund, but if the importation were to continue and the fee remains at $15 per worker, as is contemplated by H.R. 8195, then the American taxpayer would have to make up the deficit of the importation costs.

The American taxpayer subsidizes the less than 1 percent of the growers who use Public Law 78 in still another way. Taxpayers paid $1,262,000 in fiscal year 1963 for the enforcement of Public Law 78. This money comes out of the U.S. Treasury. In the last 5 years, U.S. taxpayers paid some $5 million for this aspect of Public Law 78.

UNITED STATES PAYS FOR CROPS AND CHEAP LABOR

The ridiculousness of Public Law 78 is further shown by the fact that two of the major crops for which braceros are imported are highly subsidized. These are cotton and sugarbeets. On the one hand, the taxpayer must pay out money, so that some of the growers of these crops can make money. On the other hand, the taxpayer must pay, so that these growers can benefit from cheap labor.

Here is the amount paid for price-supported loans on the 1961 cotton crop which the Federal Government took over in the States where many braceros work on cotton:

	Million		*Million*
Arizona	$18.6	New Mexico	$14.3
Arkansas	51.6	Texas	158.2
California	9.1		

Here are the amounts paid under the Sugar Act to producers in States where braceros are heavily used in sugarbeet work:

	Million		*Million*
California	$10.3	Montana	$2.3
Colorado	6.1	Nebraska	2.9
Michigan	2.6	Wyoming	1.8

This is further evidence of the extent to which the Federal Government discriminates against our citizens who do farmwork. As a nation, we recognize certain economic problems of the growers and subsidize them to guarantee them an adequate return. But for farmworkers, the poorest of poor in our society, we not only fail to guarantee them an income on which they can live, but we also make certain, through Public Law 78, that their wages cannot go up and that they will suffer unemployment.

U.S. LABOR IS AVAILABLE

Despite large-scale rural unemployment, the growers argue vigorously that U.S. farmworkers are not available and that bracero users could not possibly harvest their crops if the Mexican farm labor importation program did not exist. The fact is that labor is more than available.

Under two conditions, the growers could have all the U.S. workers they want and at the time they want them:

1. In many areas, growers must raise wages to attract workers. Agriculture cannot be the lowest wage industry in the entire United States and still expect workers to flock to it. Growers who use Public Law 78 have flouted the free market so long in obtaining labor that their spokesmen cannot possibly conceive that raising wages, according to the movement of supply and demand, can possibly attract the needed workers.

Yet the experience of the last year has shown that even small wage rises may increase the U.S. farm labor force in some areas. The small raises brought about by the establishment of the adverse effect rates by the U.S. Department of Labor increased the number of U.S. farmworkers available in some areas of California, Texas, Arkansas, and New Mexico. In Arkansas' cotton chopping, domestic employment increased from 88,000 to 97,000 man-months in 1962, while bracero employment dropped from 18,000 to 8,000. Average em-

ployment of U.S. workers in New Mexico increased 6 percent in 1962, while bracero employment dropped 62 percent.

2. The chaotic agricultural labor market must be stabilized with a more vigorous recruitment program for U.S. farmworkers. Currently, U.S. workers waste a great deal of time and effort looking for work. They arrive either too early or too late for peak season labor.

Braceros are recruited and brought to the areas of need in a rational, efficient recruitment program. But not so the overwhelming majority of U.S. farmworkers. Except for the small use of the U.S. Department of Labor's annual workers plan by growers, the migrants are left pretty much to fend for themselves and get work on a catch-as-catch-can basis.

GROWERS OPPOSE U.S. WORKER RECRUITMENT

Legislation for a U.S. farmworkers recruitment program has been introduced in the House and the Senate in form of the Voluntary Farm Employment Service Act. Hearings have been held before the Senate Migratory Labor Subcommittee on this legislation (S. 527) since mid-June. Representatives of church, welfare, civic, family farm, and labor organizations have testified in support of the measure. The Kennedy administration has given its strong support and so have many Congressmen and Senators. The only sources of opposition to this important legislation have come from grower organizations and Congressmen and Senators who strongly support Public Law 78.

The grower organizations have violently attacked the legislation for the recruitment of U.S. farmworkers. It is anathema to them even though—or probably because—it would provide an adequate number of farmworkers to the right places at the right time.

The grower organization's strenuous opposition to this legislation makes their statements of concern about the availability of labor highly suspicious. The question arises whether they are really worried about the availability of U.S. farmworkers to cultivate and harvest their crops or whether they are worried about the availability of the benefits which the importation of foreign workers provides them.

MORE BENEFITS INCREASE LABOR FORCE

The Labor Department is currently making a survey to determine how far the Nation's supply of U.S. migratory farm labor can be increased if more favorable terms and conditions of employment were available. The first results of the survey are just coming in. They are significant.

From two farm labor service local offices in the Bootheel area of Missouri—long a source of migrant farmworkers—came estimates that up to 1,300 additional farmworkers would be available if conditions were improved even as little as the extent of the amendment to Public Law 78 approved by the Senate.

The Sikeston, Mo., office reported that an extra 700 workers would be attracted in addition to the 3,300 who already follow the crops. They would be available from June 15 to October 1. Half would be single workers; half would travel with their families, but generally children and other nonworkers would be left at home.

The Caruthersville, Mo., office reports that in addition to the approximately 1,200—40 crews of single workers—another 400 to 500 workers

could be recruited. All would be single workers who would be willing to travel great distances.

In other words, if the pitiful wages and other working conditions of farmworkers were improved, an adequate supply of U.S. farm labor would be available.

Not only is this proved by Federal surveys, but also by existing State programs. Many States which formerly used braceros now meet their farm labor needs by vigorous and active recruitment of migrants in the latter's home bases during the off-season. The State of Washington is a primary example. Representatives of the State employment service and grower associations go to Texas and other areas and contract employees for the following growing season. They offer good wages and provide money for transportation. Workers do not skip out with the transportation money nor fail to fulfill their contracts, as bracero-users charge they would. The experience of Washington State has been so good that it has not used any braceros for 2 years.

RECRUITMENT IS INADEQUATE

Why do not the major bracero-using States do the same? The experience of a farm placement officer of California, the State using the largest number of braceros, is quite instructive. He was interviewed in the July 21, 1962, issue of the California Farmer, a growers' publication. He said:

> Twelve States sent representatives to woo workers to their respective States, and would you know it, we just don't compete with the other States wanting the domestic migrants * * *. The first thing you find out is that we are not offering any better wages to these people than the other States.
>
> As a State, we pride ourselves in having the highest standards of migrant housing in the country, and this point can't be argued * * *. Trouble is, almost all the migrants housing in California is designated for the single male worker. We just don't have family housing units * * *.
>
> Another thing California came up short in was this business of transportation * * *. An Idaho representative was there with $17,000 in cash. In addition to offering family housing and $1.25 per hour, he was passing out the long green on the spot to pay for transportation in advance to Idaho. He says that those that will take money and then not report are nil * * *.
>
> If and when the Mexican national program (Public Law 78) is dropped and California has to go out and actively compete for these available domestics, some changes are going to be necessary * * *.

In short, unless actually forced to, most bracero-using growers are not interested in making real efforts to recruit U.S. farmworkers. Why should they? Their labor needs are effectively met by Public Law 78 as long as Congress reenacts the law.

U.S. WORKERS DO STOOP LABOR

This year, as in past years, growers have argued that braceros are needed because U.S. farmworkers will not perform stoop labor. Some even argue that the U.S. workers are lazy, shiftless, and will not perform their duties and obligations.

This slander of American workers, this downgrading of American citizens and America is not very pleasant. What is worse, the charges are unjustified.

These arguments persist even though every type of work performed by Mexican nationals in one area is performed by thousands of U.S. citizens in other areas. It is strange that U.S. workers are alleged to be unwilling to work on tomatoes in California even though they do that work in Pennsylvania; or to chop cotton in New Mexico when they perform those jobs in the Southeast; or to cultivate and harvest sugarbeets in Colorado when they do that work in Minnesota; or to harvest lettuce in Arizona when they perform this labor in North Carolina. All sorts of stoop labor or any other agricultural labor is performed by U.S. farmworkers in non-bracero-using areas of the United States.

Even though the argument is made that braceros are needed for stoop labor, growers are very resentful because Congress prohibited the use of Mexican nationals to operate self-propelled power-driven machinery. The growers still use braceros on other machinery and skilled work.

TERMINATION WILL NOT HARM CONSUMER

Another favorite argument of growers is that if the Mexican farm labor importation program were stopped, then consumers would have to pay sharply higher prices. This allegation assumes that consumers want their fellow citizens to be unemployed, to work at pitifully low wages as long as the food and fiber produced is cheap. This is not the case, as was shown by the testimony of consumer organizations before the subcommittee.

What is more, the argument itself is self-serving. The fact is that farm labor represents less than one-eighth of total farm production costs and only one-twentieth of the total consumer price.

Let us look at a specific bracero-dominated crop. Tomatoes for canning purposes brought California growers about $22 a ton a few years ago. At the time, harvesting operations cost about $10 a ton. The consumer price of that ton of canned tomatoes totaled $275. In other words, the harvesting operations accounted for about 4 percent of the consumer price of the canned tomatoes.

In 1961, growers succeeded in forcing canners to pay $30 a ton for tomatoes in areas of California. (This increase would have permitted an 80-percent rise in farm labor wages.) The new price increased canners' costs by 36 percent. Yet the indexes of wholesale and retail prices on tomatoes showed trivial rises.

WAGE HIKES CAUSE SMALL PRICE CHANGES

Or to put the matter of consumer prices into another perspective: A 20-cent-an-hour increase in return for all labor, hired or family, involved in cotton production would increase the average family's expenses for all of its cotton goods by $1 a year.

A 20-cent-an-hour increase for sugarbeet workers would increase sugarbeet costs about 80 cents a ton—an amount too small to affect the retail price.

A 20-cent increase in farm labor costs in raising and harvesting lettuce would increase costs by one-fifth of a cent a head.

Ending the travesty of Public Law 78 would raise farm wages, but the cost to the consumer would be infinitesimal.

MEXICAN LEADERS OPPOSE PUBLIC LAW 78

The supporters of Public Law 78 make much of the allegedly "great benefits" which it provides for Mexico. In actual fact, Mexican governmental agencies and the leaders of anti-Communist Mexican organizations were pleased by the defeat of the Public Law 78 extension legislation in the House in May.

The House's leading proponent of Public Law 78, Representative E. C. Gathings, pointed out the opposition of Mexican Government agencies and the National Farmers Federation to the bracero system. With a speech made in the House on July 18, 1963, Mr. Gathings placed into the Congressional Record an article by Emil Zubryn, staff correspondent for the Cotton Trade Journal. This article stated:

> * * * the Mexican Department of Interior said the action (defeat of Public Law 78 extension legislation by the House) will not seriously affect the Mexican economy or cause serious unemployment. Displaced workers can be absorbed by Mexican industry, a spokesman said.
>
> * * * Francisco Hernandez y Hernandez, formerly head of the National Farmers Federation, said this organization has always opposed the exodus of Mexican farmworkers, who he said are needed here (in Mexico). Senator Alberto Medina Munoz, of Nayarit, expressed a similar stand.
>
> Secretary of State Gustavo Diaz Ordaz said that if the bracero movement is stopped, it also will create "problems" for the United States. He said that any extension will only be considered if certain basic requisities are met: improved salaries, living conditions, food, transport, medical service, etc.

MEXICAN LABOR ATTACKS BRACERO SYSTEM

The strongest attack on the importation of Mexican farmworkers came from Senator Fidel del Velasques, president of the 2,500,000-member Federation of Mexican Workers, the anti-Communist trade union federation of Mexico.

According to the Corpus Christi (Tex.) Times of July 12, 1963:

> Nuevo Laredo, Mexico.—Senator Fidel del Velasques, of Mexico, speaking before a delegation of some 50 local labor leaders here, strongly criticized the bracero labor program and "exploitation of Mexican labor by some U.S. border businessmen."
>
> The Senator told the delegation, all of whom were from the Mexican State of Tamaulipas, that his organization is against Mexican citizens leaving the country to work in other parts of the world, specifically the United States.

He said the federation had always opposed the bracero program as well as what he called the exploitation of cheap Mexican commuter labor by some U.S. labor interests along the border.

"As long as the U.S. Government continues to issue visas to these people," Velasques told the delegation, "your problems will never be solved."

MEXICAN CLERGY SEES FAMILY HARMED

The supporters of Public Law 78 speak glowingly of how the Mexican farm labor importation program benefits the Mexican peasant and Mexican villages. Father James Vizzard, S.J., director of the Washington office of the National Catholic Rural Life Conference, told the Senate Migratory Labor Subcommittee quite a different story on July 30, 1963.

Father Vizzard testified:

> * * * A report was given to the Mexican Catholic hierarchy by an expert who had been assigned by them to make a survey of the effects on family life in Mexico of the bracero program. In addition to the long separation (of families, even in the best of circumstances, and its adverse effect on family life, this report indicated that as many as 25 percent of all individual braceros who had come to the United States never returned to their homes and family. One-fourth did not return, with the obvious, very great, deep disruption of family life. On that basis, the Mexican Catholic hierarchy expressed their opposition to the program.

BITTER BRACEROS ARE COMMUNIST PREY

The supporters of Public Law 78 also delight in calling the Mexican farm labor importation program a foreign aid program. This is a rather strange argument for those who have consistently opposed the foreign aid program.

It is sheer nonsense to consider Public Law 78 a foreign aid program. Despite the chatter about the independent Mexican farmers who have been created by Public Law 78, the program seriously hurts the United States in Mexico. It is a tremendous asset to the Castro followers and other Communists. And they make use of it incessantly.

The fact is that for every independent farmer, there are many braceros who have gone back to Mexico embittered. They feel exploited and are not happy about their experience in the United States.

And little wonder. Much has been said about the $35 million which the braceros bring back to Mexico. But how much is that per worker? Less than $180. That is not much take-home pay after some 6 months of work hundreds and perhaps thousands of miles from home.

Public Law 78 causes serious problems and harm to Mexico. But even if it were a blessing to that country, would that be adequate reason for the U.S. Congress to enact legislation which would bring

unemployment and pitifully low incomes to hundreds of thousands of thousands of American citizens? It is hardly for the farmworkers, poorest of poor of the United States, to shoulder the burden of "foreign aid" to Mexico.

PUBLIC LAW 78 DID NOT END WETBACKS

The supporters of the Mexican farm labor importation program are fond of claiming that Public Law 78 has "virtually eliminated the wetbacks, illegal aliens who once swarmed across our southern border." The statistics of wetback entries from the Department of Justice tell quite a different story. For although Public Law 78 was enacted in 1951 and went into effect in 1952, the number of illegal entries sharply increased during each of the fiscal years 1952, 1953, and 1954. It was only in fiscal year 1955, nearly 3 years after Public Law 78 went into effect that a sharp drop in the illegal entries of wetbacks occurred.

If Public Law 78 was so effective in "virtually eliminating" the wetbacks, then why was there such a sharp increase in illegal entries during each of Public Law 78's first 3 years of operation? Why did the three alltime highs in the number of illegal entries occur during those 3 years? Or could it possibly be that Public Law 78 had absolutely nothing to do with stopping the wetback traffic?

The last question points to the true answer, for the credit for stopping wetbacks must go not to Public Law 78, but to the House Appropriations Committee, and especially its State-Justice Subcommittee. In fiscal year 1955 the subcommittee increased the appropriations of the Immigration and Naturalization Service by some $3 million, so that it could have the manpower and the equipment to end illegal entries along our southern border. And that is exactly what the Service did.

PUBLIC LAW 78 CYNICISM EXPOSED

The growers who benefit from Public Law 78 sometimes present a particularly cynical argument when they state that the life of the migrant farmworker is horrible; U.S. citizens should be discouraged from this life and U.S. farmwork should be done by importing Mexican nationals under Public Law 78.

Obviously, the life of a migrant farmworker is an extremely difficult one. Pay is generally pitiful. Housing is often terrible. Working conditions are generally awful. But one of the major reasons why the plight of the migrant farmworkers is so bad is the operation of Public Law 78. This statute helps to create the awful conditions and then its supporters turn around and argue that because conditions are so awful, U.S. citizens should be discouraged from becoming migrants.

And what are U.S. farmworkers to do if they cannot get employment working on crops? They are unskilled at urban or manufacturing jobs. With the current high unemployment, they would certainly find little other work. The alternative to farm labor for them is to starve.

PUBLIC LAW 78 SHOULD BE TERMINATED

It is significant that among the leading and most vociferous critics of Public Law 78 are many of America's religious leaders. Clergymen and important laymen of the Protestant, Catholic, and Jewish religions have urged Congress to terminate the Mexican farm labor importation program. They have testified before congressional committees to express this point of view. They have written letters to Congressmen to urge the defeat of the bills extending Public Law 78.

This should cause little wonder. For Public Law 78 is a bad law. It is an immoral law. It is a Government program to help the strong exploit the weak. It is a program which uses one poverty-stricken group of men to compete against another poverty-stricken group to create still more poverty. It violates the basic beliefs of our Nation.

For these reasons, in addition to the clergymen; labor unions, civic organizations, family-farm groups, consumer organizations, and veterans' organizations strongly oppose any continuation of Public Law 78. Representatives from many varied groups of organizations have urgently appealed for the end of the Mexican farm labor importation program.

We believe, as they do, that it would be a tragedy if Congress were to extend Public Law 78 for a sixth time. The House should stand by its decision of May 29, 1963. It should reject H.R. 8195 or any other extension of the Mexican farm labor importation program.

Respectfully submitted.

BENJAMIN S. ROSENTHAL (New York).
JAMES H. MORRISON (Louisiana).
ALFC G. OLSON (Minnesota).
SPARK M. MATSUNAGA (Hawaii).

C

Union Calendar No. 301

88TH CONGRESS
1ST SESSION

H. R. 8195

[Report No. 722]

IN THE HOUSE OF REPRESENTATIVES

AUGUST 21, 1963

Mr. PURCELL introduced the following bill; which was referred to the Committee on Agriculture

SEPTEMBER 6, 1963

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

A BILL

To amend section 510 of title V of the Agricultural Act of 1949, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

I

Union Calendar No. 301

88TH CONGRESS
1ST SESSION

H. R. 8195

[Report No. 722]

A BILL

To amend section 510 of title V of the Agricultural Act of 1949, as amended.

By Mr. PURCELL

AUGUST 21, 1963

Referred to the Committee on Agriculture

SEPTEMBER 6, 1963

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

H. R. 8195

(Report No. 732)

A BILL

 Oct. 9, 1963

and purchases. pp. 18152-3

12. DISASTER RELIEF. The Rules and Administration Committee reported without amendment S. Con. Res. 59, to authorize the printing of additional copies of a revised Government Operations committee print, "Federal Disaster Relief Manual" (S. Rept. 558). p. 18079

13. SURPLUS COMMODITIES. Sen. Beall was permitted to add his name as a cosponsor of S. Res. 211, to establish a Select Committee on the Sale of Surplus Agricultural Produce to Communist Countries. p. 18081

HOUSE

14. FARM LABOR. The Rules Committee voted to report a resolution for consideration of H.R. 8195, to extend the Mexican farm labor program through Dec. 31, 1964. p. D791

15. WATERSHEDS. The "Daily Digest" states that the Conservation and Credit Subcommittee of the Agriculture Committee approved several pending watershed projects. p. D791

16. DAIRY PRODUCTS. The District of Columbia Committee voted to report (but did not actually report) without amendment H. R. 6413, establishing standard weights and measures for dairy products sold in D.C. p. D791

17. CREDIT UNIONS. The District of Columbia Committee voted to report (but did not actually report) without amendment H. R. 8313, to convert credit unions incorporated under the provisions of the D.C. Credit Unions Act to Federal credit unions. p. D791

18. CONSUMERS. The "Daily Digest" states that the Intergovernmental Relations Subcommittee of the Government Operations Committee approved a report, "Consumer Protection Activities of State Governments-Part II, The Regulation of Foods and Related Products." p. D791

19. COMMITTEES. The Rules Committee voted to report (but did not actually report) H. Res. 540, to provide foreign currencies for Geothermal steam resource studies by the Interior and Insular Affairs Committee. p. D791

20. INDEPENDENT OFFICES APPROPRIATION BILL, 1964. As reported (see Digest 159), this bill includes $5,190,000 for civil defense and defense mobilization functions of Federal agencies under the general guidance and review of the Office of Emergency Planning; $70,000,000 for the Defense Department to continue established civil defense programs, including contributions to States for civil defense activities; $17,800,000 for the Defense Department for civil defense studies and research and for continuing shelter surveys and marking; and $20,000,000 for the President's disaster relief fund. Also, the bill includes appropriations for the Office of Emergency Planning, Office of Science and Technology, Civil Service Commission, Federal Power Commission, Federal Trade Commission, General Accounting Office, General Services Administration, Housing and Home Finance Agency, Interstate Commerce Commission, and National Science Foundation. The Committee report states that the $20,000,000 estimate for fallout shelters in Federal buildings was denied and that the "$46,900,000 part of the estimate to acquire additional stocks of food, water containers, medical kits, radiation kits and sanitation kits is also rejected at this time because $111,000,000 has heretofore been appropriated for such shelter provisions and we should wait and see how those

stocks fare before putting more money into the program." The Committee included a provision that no part of the appropriation for the National Science Foundation may be transferred to any other agency of the Government for research, stating that if other agencies "have need for research funds their budgets should indicate the necessary amounts and be justified to the Congress."

ITEMS IN APPENDIX

21. RECREATION; CONSERVATION. Extension of remarks of Sen. Randolph inserting his remarks urging a blending of methods to satisfy the requirements of conservation and recreation development in the same package. pp. A6327-8

0

COMMITTEE HEARING OCT. 10:
Land and water conservation fund for outdoor recreation, H. Interior.

oOo

House of Representatives

Chamber Action

The House was not in session today. Its next meeting will be held on Thursday, October 10, 1963, at 11 a.m., when it will consider H.R. 8747, the independent offices appropriation bill for fiscal year 1964.

Committee Meetings

WATERSHED

Committee on Agriculture: Subcommittee on Conservation and Credit met in executive session and approved several pending watershed projects. Adjourned subject to call of the Chair.

INVESTMENT RESTRICTIONS

Committee on Banking and Currency: Continued hearings on legislative proposals for lifting restrictions on financial institutions' investment freedoms. Heard testimony from public witnesses. Hearings continue Thursday, October 10.

D.C. BUSINESS

Committee on the District of Columbia: Met in executive session and ordered reported favorably to the House the following bills:

H.R. 5337, to increase the partial pay of educational employees of D.C. public schools who are on leave of absence for educational improvement;

H.R. 5871 (amended), to modify the retirement benefits of the judges of the courts of the District of Columbia;

H.R. 6413, to establish standard weights and measures for the District of Columbia;

H.R. 4333, to authorize the D.C. Board of Parole to discharge a parolee from supervision prior to the expiration of the maximum term for which he was sentenced;

H.R. 7441 (amended), to authorize the D.C. Commissioners to remove dangerous or unsafe buildings and parts thereof;

H.R. 8313, to repeal the D.C. Credit Unions Act;

H.R. 8355 (amended), to amend the D.C. Life Insurance Company Act; and

H.R. 7882 (amended), regarding exemptions from attachment and certain other process in the case of persons not residing in the District of Columbia.

FOOD REGULATION

Committee on Government Operations: Subcommittee on Intergovernmental Relations met in executive session and approved a report entitled "Consumer Protection Activities of State Governments—Part II, The Regulation of Foods and Related Products."

OUTDOOR RECREATION

Committee on Interior and Insular Affairs: The committee held a discussion on H.R. 3846, to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreational demands and needs of the American people.

CIVIL RIGHTS

Committee on the Judiciary: Met in executive session to continue consideration of H.R. 7152 (amended), the Civil Rights Act.

The committee will continue on this subject in executive session, Thursday, October 10.

MARITIME INDUSTRY

Committee on Merchant Marine and Fisheries: Met in executive session and voted to table H.R. 1897, to provide for an orderly disposition of labor-management disputes in the maritime industry.

PUBLIC BUILDINGS

Committee on Public Works: Subcommittee on Public Buildings and Grounds heard testimony from Representative Ayres; and Robert T. Daly, Commissioner, Public Buildings Service, General Services Administration, on a building project survey for Akron, Ohio.

COMMITTEE TRAVEL

Committee on Rules: Ordered reported favorably to the House H. Res. 540, granting additional travel authority for the Committee on Interior and Insular Affairs. Heard testimony from Representatives Aspinall and Saylor.

MEXICAN LABOR

Committee on Rules: Granted an open rule, with 2 hours of debate, on H.R. 8195, regarding the Mexican farm labor program.

Representatives Gathings, Teague of California, Purcell, Mahon, Olson of Minnesota, Rosenthal, Matsunaga, Leggett, and Gonzalez were heard on the request for a rule.

CIA

Committee on Rules: Completed hearings on H.R. 8427, to provide for establishment and maintenance of a Central Intelligence Agency retirement and disability system for a limited number of employees. No final action was taken. Heard testimony from Representative Rivers of South Carolina.

MERCURY REPORT

Committee on Science and Astronautics: Subcommittee on NASA Legislative Oversight held a hearing on

National Aeronautics and Space Administration Mercury report, and heard testimony from George P. Mueller, Director, Manned Space Flight; George Low, Deputy Director, Programs, Office of Manned Space Flight; and Walter C. Williams, Deputy Director for Missions Requirements and Flight Operations, Manned Space Craft Center, Houston, Tex., all of NASA.

Joint Committee Meetings

BALANCE OF PAYMENTS

Joint Economic Committee: Committee continued its hearings on the effects of ocean freight rates on the U.S. balance of payments, having as its witnesses Julian H. Singman, an attorney, Washington, D.C., former counsel to the House Antitrust and Monopoly Subcommittee; William Grossman, chairman, transportation department, New York University; Joseph A. Klausner, a maritime attorney, Washington, D.C.; and Wytze Gorter, department of economics, University of California.

Hearings continue tomorrow.

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 10

(*All meetings are open unless otherwise designated*)

Senate

Committee on Armed Services, open and executive, on pending nominations, including those of Willis M. Hawkins, Jr., to be an Assistant Secretary of the Army, and Lt. Gen. Wallace M. Greene, to be Commandant of the Marine Corps, 10:30 a.m., 212 Old Senate Office Building.

Committee on Banking and Currency, executive, on H.J. Res. 724, housing for the elderly, 10 a.m., 5302 New Senate Office Building.

Committee on the District of Columbia, to begin hearings on H.R. 7525, re D.C. crime laws, 10 a.m., 6226 New Senate Office Building.

Committee on Finance, executive, to hear staff briefings on H.R. 8363, Revenue Act, 10 a.m., 2221 New Senate Office Building.

Committee on Foreign Relations, executive, to hear CIA Director John A. McCone in connection with Vietnam, Latin America, and other matters, 10 a.m., room S–116, Capitol.

Committee on Government Operations, Permanent Subcommittee on Investigations, on illegal traffic in narcotics and organized crime, 10:30 a.m., 318 Old Senate Office Building.

House

Committee on Banking and Currency, on bills to increase financial institutions' investment freedoms, 10 a.m., 1301 Longworth House Office Building.

Committee on the District of Columbia, executive, on pending business, 10 a.m., 445–A Cannon House Office Building.

Committee on Education and Labor, General Subcommittee on Education, re elementary and secondary education, 9:45 a.m., 429 Cannon House Office Building.

Committee on Interior and Insular Affairs, on H.R. 3846, to establish a land and water conservation fund for outdoor recreation purposes, 9:45 a.m., 1324 Longworth House Office Building.

Committee on the Judiciary, executive, on civil rights legislation, 10 a.m., 346 Cannon House Office Building.

Joint Committee

Joint Economic Committee, to continue its hearings on the effects of ocean freight rates on the U.S. balance of payments, 10 a.m., room AE–1, Capitol.

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶ The Congressional Record will be furnished by mail to subscribers, free of postage, for $1.50 per month, payable in advance. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C., 20402. For subscription purposes, 20 daily issues constitute a month. The charge for individual copies varies in proportion to the size of the issue. ¶ Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and is sold by the Superintendent of Documents in individual parts or by sets. ¶ With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.

Produce to Communist Countries, and S. Res. 210, recommending that at least 50 percent of grain sold to Russia be shipped in U.S.-flag vessels and barring ships which are in violation to the Presidential embargo on trade with Cuba. p. 18191

7. GOVERNMENTAL RELATIONS. Sen. Ervin submitted the report of the Subcommittee on Intergovernmental Relations on its recent activities, including its consideration of legislation on Federal grants-in-aid programs. p. 18198

8. BALANCE-OF-PAYMENTS. Sen. Talmadge inserted the address of Sen. Robertson before the annual convention of the American Bankers Assoc. presenting "an incisive analysis of our balance of payments deficit and the question of international liquidity." pp. 18198-200

9. APPLES. Sen. McIntyre inserted an article, "A Billion Apples Being Harvested in New Hampshire." p. 18205

10. WEIGHTS AND MEASURES. Sen. Pell inserted and commended the progress report of the Committee for the Study of the Metric System of the U.S. recommending that a study be made of the desirability and practicability of the U.S. converting to the metric system. pp. 18207-11

11. POPULATION. Sen. Gruening discussed and inserted several items on the "population menace confronting mankind," including references to the problems involved in the production of food to feed an expanding world population. pp. 18233-52

HOUSE

12. WHEAT; FOREIGN TRADE. Received a report from the President concerning "the reasons for this Government's decision not to prohibit the sale of surplus American wheat, wheat flour, feed grains and other agricultural commodities for shipment to the Soviet Union and other Eastern European countries during the next several months." The President reviewed the statutory provisions relative to such sales, how it would benefit our domestic economy, and stated this does not represent a new Soviet-American trade policy. (H. Doc. 163). pp.18360, 18321

Rep. Latta criticized the President for ignoring the "laws set down by Congress preventing a wheat sale to Russia." pp. 18313-4

Rep. Beermann stated he was "shocked and disappointed on hearing the President's message" and he felt that the wheat sale to Russia would help to promote the world Communist movement, and inserted a statement signed by several other Representatives opposing the President's action. pp. 18322-3

Rep. Hoeven opposed sale of wheat to Russia and stated that when a group of Members of Congress were called to the White House, "our advice was not sought" on this matter. p. 18341

Rep. Horton opposed a wheat sale to Russia as being "contrary to the cause of freedom and only further reduces the standing of the United States in the eyes of those who look to us as the first line of defense against international communism." p. 18343

Rep. Gross criticizided a wheat sale to Russia as being "the capital of contradiction and worse." p. 18359

13. FARM LABOR. The Rules Committee reported a resolution for the consideration of H. R. 8195, to extend the Mexican farm labor program through Dec. 31, 1964. p. 18361

14. OUTDOOR RECREATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments H. R. 3846, to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs. p. D795

15. INDEPENDENT OFFICES APPROPRIATION BILL, 1964. By a vote of 302 to 32, passed with amendments this bill, H. R. 8747 (pp. 182-59, 18260-18310). Agreed to an amendment by Rep. Langen to reduce the funds for the Federal Power Commission from $11,850,000 to $11,750,000 (pp. 18304-5). Agreed to an amendment by Rep. Gross prohibiting any funds appropriated in this bill to be used for the establishment of a national service corps or a domestic peace corps (p. 18305). See Digest No. 161 for other items of interest.

16. APPROPRIATIONS. Rep. Cannon inserted a table concerning the present status of the appropriation bills. pp. 18310-1

17. EXPENDITURES. Rep. Cannon inserted a comparison of the budget expenditures for the first two months of fiscal 1963 with the same period of fiscal 1964. pp. 18312-3

18. AREA REDEVELOPMENT. Rep. Moorhead complimented the Area Redevelopment Administration's technical assistance activities to aid depressed areas as another activity "which is just as important as the loan and grant activities." pp. 18314-5

19. RIVER BASINS. Rep. Olsen urged passage soon of the bill to authorize additional appropriations for the prosecution of flood control and multiple-purpose projects in certain river basins "in order to avoid critical delays and the adverse economic implications of projects shut down." p. 18316

20. PATENTS. Rep. Daddario inserted the President's memorandum concerning the Government's patent policy and complimented the memorandum as"being a comprehensive statement of the Government's policy with respect to the disposition of inventions developed in the course of Federal research and development contracting." pp. 18319-21

21. FOREIGN TRADE. Rep. Pepper urged enactment of his bill to prohibit certain vessels engaged in trade or commerce with Cuba from entering ports of the U.S. p. 18319

22. PERSONNEL; SALARIES. Rep. Udall inserted a summary and discussed his bill to increase the salaries in the Executive, Legislative and Judicial branches of the Government. pp. 18327-32

23. EXPENDITURES; REVENUES. Rep. Burke inserted Secretary Dillon's address reviewing various aspects of Federal expenditures and revenues in which he stated that "at first glance...it might seem feasible to realize substantial savings through the Commodity Credit Corporation, but CCC sales and purchases depend upon farmers' decisions, the weather, the crops, and other unpredictable or uncontrollable factors." pp. 18357-9

24. LANDS. The Government Operations Committee reported without amendment H.R. 876 to authorize GSA to convey a tract of land, formerly under the jurisdiction of the Agricultural Research Service, in Prince Georges County, Md. to the American National Red Cross. (H. Rept. 830). p. 18360

88TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 843

CONSIDERATION OF H.R. 8195

OCTOBER 10, 1963.—Referred to the House Calendar and ordered to be printed

Mr. SISK, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 544]

The Committee on Rules, having had under consideration House Resolution 544, report the same to the House with the recommendation that the resolution do pass.

99-008

House Calendar No. 150

88TH CONGRESS
1ST SESSION

H. RES. 544

[Report No. 843]

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 10, 1963

Mr. SISK, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

---

RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8195) to amend section 510 of title V of the Agricultural Act of 1949, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House

with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8195, the Committee on Agriculture shall be discharged from the further consideration of the bill S. 1703, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 8195 as passed.

House Calendar No. 150

88TH CONGRESS
1ST SESSION

H. RES. 544

[Report No. 843]

RESOLUTION

Providing for consideration of H.R. 8195, a bill to amend section 510 of title V of the Agricultural Act of 1949, as amended.

By Mr. SISK

OCTOBER 10, 1963

Referred to the House Calendar and ordered to be printed

H. RES. 544

 Oct 31, 1963

HOUSE

14. FARM LABOR. By a vote of 173 to 158, passed without amendment H. R. 8195, to extend without change the Mexican farm labor program until Dec. 31, 1964. The provisions of this bill were then substituted for S. 1703, and H. R. 8195 was laid on the table. pp. 19644-86

Rejected the following amendments:

By Rep. Roosevelt, 89 to 109, to provide that when the Secretary of Labor is convinced that the growers are phasing out the program but need the additional year, they will have that year in which to operate the program. pp. 19675-7, 19684

By Rep. Bass, 83 to 139, to amend Rep. Roosevelt's amendment by preventing the Mexican farm laborers from being used to produce surplus crops. pp. 19677-82, 19684

By Rep. Rosenthal, 79 to 131, a substitute to Rep. Roosevelt's amendment, to substitute the Senate-passed bill for the House bill. pp. 19682-4

By Rep. Bass, 95 to 134, to prevent the Mexican farm laborers from being used to produce surplus crops. p. 19684

15. REA. Rep. Michel charged that rural electric cooperatives "are making a profit on their operations, and...are using money derived from their privileged position of being able to get 2 percent Federal money to invest in securitites which pay a much higher interest rate." pp. 19690-4

16. PERSONNEL; SALARIES. The Post Office and Civil Service Committee voted to report (but did not actually report) without amendment H. R. 8986, the new Federal pay-increase bill. p. D859

Rep. Udall inserted editorials favoring the proposed Federal pay raise as a means to "reduce to a more bearable level the sacrifices of able executives leaving private business." pp. 19687-8

17. MILITARY CONSTRUCTION. Both Houses agreed to the conference report on H. R. 6500, to authorize construction at military installations. This measure will now be sent to the President. pp. 19642-4, 19783-4

18. FORESTRY RESEARCH. Rep. Watson stated that "one of the most promising possibilities at the Savannah River plant centers" of the Atomic Energy Commission is the existence of the pine plantations under a Forest Service contract and "the possibility of a national forest radiation laboratory for the improvement of wood and wood products and for research into other forestry problems." pp. 19694-6

19. LEGISLATIVE PROGRAM. Rep. Albert stated that when the House adjourns on Mon., Nov. 4, it will adjourn to meet on Wed., and that on Thurs. it will take up H.R. 8969, to temporarily increase the public debt limit. p. 19689

20. ADJOURNED until Mon., Nov. 4. p. 19715

ITEMS IN APPENDIX

21. CREDIT. Extension of remarks of Sen. Neuberger stressing the need for truth in lending legislation and inserting Sen. Douglas' article on this subject. p. A6779

22. ELECTRIFICATION. Extension of remarks of Rep. McClory inserting an article, "The REA Power Grab," criticizing REA loans. pp. A6783-4

Extension of remarks of Rep. McLoskey inserting an article and stating that it "points out the flagrant abuse of REA loans." pp. A6808-9

Extension of remarks of Rep. Findley inserting an article and stating that it "points to possible abuse of the 2 percent interest rate available to cooperatives." p. A6820

23. UNEMPLOYMENT. Extension of remarks of Rep. Curtis inserting an article discussing the results of a study and evaluation of unemployment which revealed that in general unemployment can be identified as a problem of the unskilled workers. p. A6789

Extension of remarks of Rep. Curtis inserting an article, "Cut in Taxes Held No Help to Bulk of U.S. Unemployed." pp. A6790-1

Extension of remarks of Rep. McDade commending and inserting Rep. Taft's address, "Unemployment: The No. 1 Economic Problem." pp. A6804-6

24. AREA REDEVELOPMENT. Extension of remarks of Rep. Hechler describing the economic growth in W. Va. aided by area redevelopment and public works programs. pp. A6803-4

Extension of remarks of Rep. Widnall stating that "In my opinion, a new authorization for area redevelopment is dead for this session, and possibly for the next as well." pp. A6822-4

25. CREDIT UNIONS. Extension of remarks of Rep. Multer urging enactment of his bill to prohibit false statements or reports to Federal credit unions. p. A6809

26. WHEAT; FOREIGN TRADE. Extension of remarks of Rep. Alger inserting an article, "New Angles Arise in Sale of Wheat." pp. A6814-5

Extension of remarks of Rep. Michel inserting an article, "Chaff in the Wheat Deal." p. A6817

BILLS INTRODUCED

27. ECONOMICS. S. 2274, by Sen. McGovern; and H. R. 9005, by Rep. Van Deerlin, to establish a National Economic Conversion Commission; to Commerce Committee. Remarks of Sen. McGovern pp. 19723-41

28. STOCKPILING, S. 2272, by Sen. Symington, to insure the availability of certain critical materials during a war on national emergency by providing for a reserve of such materials; to Armed Services Committee. Remarks of author, pp. 19718-23

29. LANDS. S. 2275, by Sen. Inouye, to revise the procedures established by the Hawaii Statehood Act, Public Law 86-3, for the conveyance of certain lands to the State of Hawaii; to Interior and Insular Affairs Committee. Remarks of author, pp. 19741-3

30. FOREIGN TRADE. S. 2276, by Sen. Ribicoff, to amend paragraph 1101(b) of the Tariff Act of 1930 to provide for the duty-free importation of certain wools for use in the manufacturing of polishing felts; to Finance Committee. Remarks of author, p. 19743.

31. WATER POLLUTION. H. R. 9007, by Rep. Monagan, to amend the Federal Water Pollution Control Act, as amended, to establish the Federal Water Pollution Control Administration, to provide grants for research and development, to increase grants for construction of municipal sewage treatment works, to

accomplished over a 6-year program rather than a 5-year program recommended by the Departments. However, the Senate was of the opinion that the Departments should be provided with sufficient construction authority to accomplish this program in 5 years and, therefore, authorized the construction of 12,220 units of military family housing for fiscal year 1964.

House conferees pointed out that the Department of Defense and the military departments have demonstrated an inability to expeditiously execute previously granted housing authorizations. Therefore, it was the opinion of the conferees, the Senate conferees concurring, that the authorization for military family housing for fiscal year 1964 should be kept at the level previously established by the House.

The conferees, therefore, agreed to authorize a total of 10,140 new units of military family housing for inclusion in the fiscal year 1964 military construction authorization program. This figure is identical with the authorization provided by the House with the addition of 120 units of housing required by military personnel assigned to the base at Fort Myer, Va., and 20 units of family housing required by the restoration of a Navy project at Sugar Grove, W. Va.

The conferees recognized the urgent requirement for additional family housing at many other military installations including Fort Leonard Wood, Mo., and Griffiss Air Force Base, N.Y. However, it was agreed to defer these projects until the fiscal year 1965 program in accordance with priorities previously established by the Department of Defense.

In connection with the desire of the Congress that the military departments make every effort to expeditiously execute the housing authorizations provided them, there was included in both the House and Senate bills a provision which would repeal all housing authorizations which remain unused after a period of 15 months.

As a consequence of the foregoing action, the housing authorization provided the military departments was reduced by $35,131,000 which accounts for the major dollar difference in the House and Senate bills.

PULSE NUCLEAR REACTOR FACILITY, ABERDEEN, MD.

The Department of the Army had requested authorization to construct a pulse nuclear reactor facility at the Aberdeen Proving Ground in the amount of $2,174,000. A similar private facility was proposed for construction by New York State authorities who are of the opinion that their proposed facility could satisfactorily handle the requirements of the Defense Establishment, thus eliminating the necessity for the construction of the Government facility.

The House in acting on this portion of the bill, agreed to defer action to afford representatives of the Department of the Army and representatives of the New York State authorities an opportunity to make a study to determine whether the private facility would, in fact, provide for the needs of the Army. The House, therefore, deferred action to the Senate in this matter. The Senate received detailed testimony from representatives of both the Department of Defense and the New York State authorities on this project.

Testimony from Army witnesses indicated that they have an estimated requirement for 5,500 hours operating time per year, and it is estimated that private industry has a requirement for an additional 1,500 to 4,500 hours, and yet a reactor can operate safely only 2,600 hours per year without creating a condition of dangerous radioactivity.

In view of this testimony, the Senate was of the opinion that the requirements for a facility of this type were so great that there would be no problem of competing capacity in the two proposed facilities. Therefore, the Senate granted the request of the Department of the Army for authorization to construct this facility in the amount of $2,174,000. The House conferees agreed to the Senate action.

NAVAL RADIO STATION, SUGAR GROVE, W. VA.

Another item of possible interest to Members of the House occurred in connection with the proposed establishment of radio receiving facilities at Sugar Grove, W. Va.

As Members of the House will recall, the Navy had requested $3,480,000 for this purpose. This request was denied by the House since it was of the opinion that the project could properly be deferred for another year. The Senate, however, approved this request and authorized $3,480,000 of construction authority for this purpose.

The Senate conferees pointed out that the relocation of the receiving facilities from Cheltenham, Md., would inevitably be required because of the continually rising high noise levels at that installation. Therefore, the Senate conferees saw no particular advantage in delaying initiation of this relocation particularly in view of the desirability of utilizing the Sugar Grove site.

In deference to the position of the Senate, the House conferees receded from their position and concurred in the authorization.

SUMMARY OF THE BILL

In summary, the military construction authorization provided each of the services for new projects are as follows:

Active forces

Army	$199,633,000
Navy	202,462,000
Air Force	488,367,000
Defense agencies	24,403,000
Housing	685,312,000
Total	1,600,177,000

Details concerning the authorization for all the titles in the bill are contained in the conference report which has been printed in the CONGRESSIONAL RECORD.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I am delighted to yield to my friend from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding. The House will shortly be confronted with a bill to provide an increase of about 40 percent in expenditure for the Disarmament Agency. If we are going to build up a super-duper Disarmament Agency, I wonder when we will begin to cut back on military spending. If we are going to disarm, when are we going to cut back on military spending?

Mr. VINSON. I do not know when any disarmament program is coming in. I am not disturbed about that at this time, because I am hoping that the country will continue to maintain a strong and an adequate national defense. Thereby we will be on a more stable road of peace than if we had some kind of disarmament agreement.

Mr. GROSS. Mr. Speaker, I thoroughly agree with the gentleman that the defenses of the country must be kept effective. But I cannot understand this contradiction. I simply cannot understand why we should increase the spending for disarmament by something like 40 percent and continue to spend the same amount of money, or even more, for the Military Establishment.

Mr. VINSON. I know of no large expenditure being made for disarmament. Here in the defense budget we have over $52 billion for preparedness and for the defense of the country. I ask my distinguished friend how much and what committee is bringing in legislation for the disarmament program?

Mr. GROSS. The Foreign Affairs Committee, of course.

Mr. VINSON. Oh, well, the Foreign Affairs Committee may have had some hearings on it but not much progress has been made to my knowledge.

Mr. GROSS. I might add that it is one of the best giveaway committees of the Congress.

Mr. VINSON. I make no comment in respect to that.

Mr. FARBSTEIN. Mr. Speaker, will the gentleman yield?

Mr. VINSON. I yield to the gentleman from New York.

Mr. FARBSTEIN. Will the gentleman tell the Members of the House what this 40-percent increase in disarmament actually amounts to in dollars and cents as compared to the amount of money being spent for defense?

Mr. GROSS. If the gentleman from Georgia will yield further, I do not think that argument is valid at all and I have said so in the committee.

Mr. FARBSTEIN. You may not think it is valid but you are spending only an additional amount of $2 million and are not spending billions of dollars for disarmament. I do not think that is a basis for quarreling. I think the country can afford to spend $2 or $3 million for disarmament despite the cost of defense.

Mr. VINSON. I think the Committee on Armed Services will be in the picture when the subject matter of disarmament comes along. Now, I have seen some disarmament programs which have been brought into existence in the years in which I have served here. I have seen our country in the interests of disarmament, elect to scrap ships and later on I saw us get into World War II because we had disarmed and had not provided adequately for our defense.

I hope the Committee on Armed Services will be alert, and I know they will, and see that this country remains ade-

quately prepared. So, I am not disturbed in the slightest degree about any major inroads being made by advocates of disarmament that is going to affect the security of this country.

Mr. GROSS. Mr. Speaker, will the gentleman yield further?

Mr. VINSON. I yield to the gentleman from Iowa.

Mr. GROSS. I think the gentleman will agree with me that it does not make any difference whether we are spending $15 million a year on a disarmament agency and $50 billion a year on the Defense Department. I do not think the relative expenditure is a valid argument. If there is waste in either place it ought to be cut out.

Mr. VINSON. That is right. Why, of course, it should.

Mr. GROSS. This is my argument.

Mr. FARBSTEIN. If the gentleman will yield further, I will go along with the gentlman from Iowa on that. But I do not think we ought to equate a paltry $2 or $3 million for disarmament when we talk about spending $50 billion a year for defense.

Mr. VINSON. Mr. Speaker, if there are no further questions from any Members of the House, I shall ask my distinguished colleague, the gentleman from Illinois [Mr. ARENDS], if he cares to use any time.

Mr. ARENDS. I will say to the gentleman from Georgia [Mr. VINSON] I do not care to use any time. Because of the gentleman's explanation of the bill I trust the House is satisfied with the action taken by the conferees and I heartily endorse the report.

Mr. VINSON. Mr. Speaker, before yielding the floor I want to thank the members of the Committee on Armed Services and the conferees for the outstanding work they have accomplished in connection with providing the military constructive authority for fiscal year 1964.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mr. BOGGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 356, nays 1, not voting 76, as follows:

[Roll No. 188]

YEAS—356

Abbitt	Bennett, Mich.	Burleson
Addabbo	Berry	Byrne, Pa.
Albert	Betts	Cahill
Alger	Blatnik	Cameron
Anderson	Boggs	Carey
Andrews, Ala.	Boland	Casey
Arends	Bolling	Cederberg
Ashley	Bolton,	Chamberlain
Aspinall	Frances P.	Chelf
Auchincloss	Bolton,	Chenoweth
Avery	Oliver P.	Clancy
Baker	Bow	Clark
Baldwin	Brademas	Clausen,
Barrett	Bray	Don H.
Barry	Brock	Clawson, Del
Bass	Bromwell	Cleveland
Bates	Brooks	Cohelan
Battin	Broomfield	Collier
Becker	Brotzman	Conte
Beckworth	Brown, Calif.	Cooley
Beermann	Brown, Ohio	Corbett
Belcher	Broyhill, N.C.	Corman
Bell	Burke	Cramer
Bennett, Fla.	Burkhalter	Cunningham
Curtin	Jones, Mo.	Rains
Dague	Karsten	Reid, N.Y.
Davis, Ga.	Kastenmeier	Reifel
Davis, Tenn.	Kee	Reuss
Delaney	Keith	Rhodes, Ariz.
Dent	Keogh	Rhodes, Pa.
Denton	Kilgore	Rich
Derounian	King, Calif.	Rivers, Alaska
Derwinski	King, N.Y.	Rivers, S.C.
Devine	Kirwan	Robison
Dingell	Kluczynski	Rodino
Dole	Knox	Rogers, Colo.
Dorn	Kunkel	Rogers, Fla.
Downing	Kyl	Rogers, Tex.
Dulski	Laird	Rooney, Pa.
Duncan	Landrum	Rooney, N.Y.
Dwyer	Langen	Roosevelt
Edmondson	Lankford	Rosenthal
Edwards	Latta	Rostenkowski
Elliott	Leggett	Roudebush
Ellsworth	Lennon	Roush
Evins	Lesinski	Roybal
Farbstein	Libonati	Rumsfeld
Fascell	Lindsay	Ryan, Mich.
Feighan	Lipscomb	Ryan, N.Y.
Findley	Lloyd	St. George
Finnegan	Long, Md.	St Germain
Fino	McClory	Saylor
Fisher	McCulloch	Schadeberg
Flood	McDade	Schenck
Flynt	McDowell	Schneebeli
Fogarty	McFall	Schweiker
Ford	McIntire	Schwengel
Foreman	McLoskey	Secrest
Forrester	McMillan	Selden
Fountain	Mahon	Senner
Friedel	Mailliard	Short
Fulton, Pa.	Marsh	Sickles
Fulton, Tenn.	Martin, Calif.	Sikes
Gallagher	Martin, Mass.	Siler
Gary	Martin, Nebr.	Sisk
Gathings	Mathias	Slack
Giaimo	Matsunaga	Smith, Calif.
Gibbons	Matthews	Smith, Iowa
Gilbert	Meader	Smith, Va.
Gill	Michel	Snyder
Glenn	Milliken	Springer
Gonzalez	Mills	Staebler
Goodell	Minish	Staggers
Goodling	Minshall	Steed
Green, Oreg.	Monagan	Stephens
Green, Pa.	Montoya	Stratton
Griffin	Moore	Stubblefield
Griffiths	Moorhead	Sullivan
Gross	Morgan	Taft
Grover	Morris	Talcott
Gubser	Morrison	Teague, Calif.
Gurney	Morse	Teague, Tex.
Hagen, Calif.	Morton	Thomas
Haley	Mosher	Thompson, N.J.
Hall	Moss	Thompson, Tex.
Halleck	Multer	Thomson, Wis.
Halpern	Murphy, Ill.	Thornberry
Hanna	Murphy, N.Y.	Toll
Hansen	Murray	Trimble
Hardy	Natcher	Tuck
Harris	Nedzi	Tupper
Harrison	Nelsen	Tuten
Harsha	Nix	Udall
Harvey, Ind.	Norblad	Utt
Harvey, Mich.	O'Brien, N.Y.	Van Deerlin
Hawkins	O'Hara, Ill.	Vanik
Hays	O'Hara, Mich.	Van Pelt
Healey	O'Konski	Vinson
Hébert	Olsen, Mont.	Waggonner
Hechler	Olson, Minn.	Wallhauser
Hemphill	O'Neill	Watson
Henderson	Osmers	Weaver
Hoeven	Ostertag	Weltner
Holifield	Passman	Westland
Holland	Patman	Whalley
Horton	Patten	Wharton
Hosmer	Perkins	Whitener
Huddleston	Philbin	Whitten
Hull	Pike	Wickersham
Hutchinson	Pillion	Widnall
Ichord	Pirnie	Williams
Jarman	Poage	Willis
Jennings	Poff	Wilson, Bob
Jensen	Pool	Wilson,
Joelson	Powell	Charles H.
Johansen	Price	Wilson, Ind.
Johnson, Calif.	Pucinski	Wright
Johnson, Wis.	Purcell	Wyman
Jonas	Quie	Young
Jones, Ala.	Quillen	Younger

NAYS—1

Curtis

NOT VOTING—76

Abele	Ashbrook	Broyhill, Va.
Abernethy	Ashmore	Bruce
Adair	Ayres	Buckley
Andrews, N. Dak.	Baring	Burton
	Bonner	Byrnes, Wis.
Cannon	Hoffman	Roberts, Tex.
Celler	Horan	St. Onge
Colmer	Karth	Scott
Daddario	Kelly	Shelley
Daniels	Kilburn	Sheppard
Dawson	Kornegay	Shipley
Diggs	Long, La.	Shriver
Donohue	Macdonald	Sibal
Dowdy	MacGregor	Skubitz
Everett	Madden	Stafford
Fallon	May	Stinson
Fraser	Miller, Calif.	Taylor
Frelinghuysen	Miller, N.Y.	Thompson, La.
Fuqua	O'Brien, Ill.	Tollefson
Garmatz	Pelly	Ullman
Grabowski	Pepper	Watts
Grant	Pilcher	White
Gray	Randall	Winstead
Hagan, Ga.	Reid, Ill.	Wydler
Harding	Riehlman	Zablocki
Herlong	Roberts, Ala.	

So the conference report was agreed to.

The Clerk announced the following pairs:

Mr. Buckley with Mr. Adair.
Mr. St. Onge with Mrs. Reid of Illinois.
Mrs. Kelly with Mrs. May.
Mr. Randall with Mr. Ayres.
Mr. Grabowski with Mr. Byrnes of Wisconsin.
Mr. Donohue with Mr. Stafford.
Mr. Daniels with Mr. Frelinghuysen.
Mr. Harding with Mr. Kilburn.
Mr. Ashmore with Mr. Ashbrook.
Mr. Abernethy with Mr. Sibal.
Mr. White with Mr. Broyhill of Virginia.
Mr. Scott with Mr. Miller of New York.
Mr. Baring with Mr. Abele.
Mr. Karth with Mr. Hoffman.
Mr. Shelley with Mr. Horan.
Mr. Long of Louisiana with Mr. Burton.
Mr. Sheppard with Mr. Bruce.
Mr. Daddario with Mr. Andrews of North Dakota.
Mr. Garmatz with Mr. MacGregor.
Mr. Gray with Mr. Tollefson.
Mr. Shipley with Mr. Shriver.
Mr. Thompson of Louisiana with Mr. Pelly.
Mr. Kornegay with Mr. Stinson.
Mr. Roberts of Texas with Mr. Riehlman.
Mr. Roberts of Alabama with Mr. Zablocki.
Mr. Celler with Mr. Miller of California.
Mr. O'Brien of Illinois with Mr. Diggs.
Mr. Fallon with Mr. Dawson.
Mr. Madden with Mr. Watts.
Mr. Macdonald with Mr. Ullman.
Mr. Bonner with Mr. Dowdy.
Mr. Fuqua with Mr. Grant.
Mr. Hagan of Georgia with Mr. Herlong.
Mr. Everett with Mr. Pepper.
Mr. Pilcher with Mr. Fraser.
Mr. Winstead with Mr. Taylor.
Mr. Colmer with Mr. Skubitz.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ONE-YEAR EXTENSION OF MEXICAN FARM LABOR PROGRAM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8195) to amend section 510 of title V of the Agricultural Act of 1949, as amended. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agricul-

ture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 8195, the Committee on Agriculture shall be discharged from the further consideration of the bill S. 1703, and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 8195 as passed.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH], and pending that I yield myself 5 minutes.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, House Resolution 544 makes in order the consideration of H.R. 8195 to amend section 510 of title V of the Agricultural Act of 1949, as amended. It provides for 2 hours of general debate and an open rule.

Mr. Speaker, this bill is a very simple, 3-line bill which simply says that section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963," and inserting "December 31, 1964."

Mr. Speaker, this is the second time this year that we have gone to the well on this subject. We marched up the hill last May with a 2-year extension or a proposed 2-year extension of the Mexican farm labor program. That bill was defeated.

The Committee on Agriculture, after consideration, has brought back to the floor for consideration today a simple 1-year extension of the act.

Mr. Speaker, during the 12-year history of Public Law 78 it has gone through a somewhat tempestuous career. It has been condemned very vigorously as actually being indentured slave labor and it has been lauded on the other hand as being an outstanding act which provides for the orderly harvesting of our crops in this country, plus being of great benefit to our neighbor to the south, the Republic of Mexico.

Mr. Speaker, it is my opinion that it is neither as lily white as it has sometimes been pictured, nor is it as black as some of the opponents would lead you to believe.

This bill was originally enacted into law by the Congress to meet a very grave need at that time, a need for farm labor which simply did not exist and was not available. It, over the years, in my opinion has done a very good job. I think it has met the objectives sought to be obtained by the enactment of the law. The agricultural industry has made great progress in the past 12 years and today we find a great many crops which are being not only grown but are being harvested with machinery and with other equipment, by automation so to speak, in which very little if any hand labor is used.

However, Mr. Speaker, there are still certain areas in which all of our mechanical genius and scientific know-how have not been able to meet the need and there are still certain types of crops that must be harvested by hand. Because of this need for stoop labor, labor of the very hardest kind and the most unpleasant type of work, it is still necessary in order to meet the demands of the American housewife.

Mr. Speaker, let me say in defense of this program that any arbitrary stopping or cutting off of this program in my opinion is going to affect not only the quantity of the vegetables, the fruits, and other commodities which the housewife will find on the shelves throughout the United States, it is going to affect the quality and it is certainly, in my opinion, I would like to say my friends from the metropolitan areas, going to affect the cost to the American consumer.

I think these are fundamental things with which we are all concerned.

In analyzing the ups and downs of this particular program over the years, frankly I think most of us have come to the conclusion that the time has come when it is esssential that the agricultural industry and the Congress must come up with an alternative program. It may be that we have done a poor public relations job. It may be for a number of causes, such as a few abuses here and there, but I think those abuses have been played up out of all proportion to their importance. Because of these things there is no question but what the program is under heavy attack. But, as I said before, it is not nearly so black as has been pictured. But many of us are coming to the conclusion that the time has come to serve notice on the American farmer that he and we combined must come up with an alternative program, a way to meet the needs of producing and harvesting the required food and fiber for the American people. And so I come to the floor today to ask you to support this rule and support the bill, H.R. 8195, for a 1-year extension, which will give us at least 1 year to phase out this program.

I had hoped to be able to support a 3-year program, but the committee found it impossible to come up with a 3-year phaseout. We are faced with a 1-year extension which for all practical purposes will be a phaseout program. So I ask you to support this legislation to give us at least that 1 year. Otherwise an arbitrary cutting off as of the first of the year is going to lead to hardship, not only for the farmer but in many instances for labor, particularly that labor involved in processing, in the canning industry, and so forth. If the vegetables do not flow to these processing plants labor does not have work and the housewife will not have a commodity at a reasonable price to purchase off the shelves of the markets of this country.

So I am here asking for this 1-year extension, and this will be the last time I shall enter the well to ask for an extension of this particular act. We have come to the end of the line. It was indicated during the time of our last debate by both the gentleman from California [Mr. SMITH], and myself, that we would ask you to support that 2-year program for the last time. At that time someone indicated to me that 2 years ago I made the same request, but let me say at that time I qualified those remarks on the basis that certain abuses be stopped and that the Labor Department do a better job of administering the program. Many of us have worked with the Labor Department and we feel there has been improvement. But may I say to my friends and colleagues in this House, this is the end of the program. If we can get this 1-year extension there will be 12 months in which to adjust the problem in order to try to come up with an alternative program that would do the job.

On that basis I ask for support of the rule and on final passage the adoption of the bill H.R. 8195.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, I yield myself 7 minutes.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker House Resolution 544 will provide for 2 hours general debate on an open rule for the consideration of H.R. 8195, which is a 1-year extension of the Mexican farm labor program. This is more commonly referred to as the bracero program. The rule also provides that upon passage of H.R. 8195 the language may be substituted into S. 1703.

Section 510 of title V of the Agricultural Act of 1949 permits the temporary entry of Mexican nationals into the United States for employment as agricultural workers under the supervision and control of the Secretary of Labor and pursuant to formal agreements between the Government of the United States and the Republic of Mexico. It has been in effect since July 12, 1951, and has been extended on several occasions, usually for periods of 2 years. The law is due to expire on December 31, 1963.

This matter, as all Members know, was previously considered in H.R. 5497 on May 29, 1963. That bill would have extended the program for 2 years. It failed by a vote of 158–174.

The other body subsequently passed S. 1703 which, in addition to extending the program, contains certain additional restrictions. As I understand it, this was not acceptable to a majority of the House Agriculture Committee so they approved this measure, namely, H.R. 8195, which will extend the act for 1 year until December 31, 1964.

Members of your Rules Committee have certain reservations relative to bringing a subject to the House floor for a second time during any one year. However, the majority of the members of the Rules Committee did feel that due to the arguments in favor of continuing this program for 1 more year, it was believed desirable to bring this measure to the floor for your consideration. I feel certain that every Member is well aware of this program, and in all probability is ready to vote forthwith. Possibly no votes will be changed one way or another by the debate, but I would like to mention

a few reasons why I feel that we should extend this program for 1 more year.

First let me state that I do not have any agricultural facilities in my district. It is entirely urban. So from that standpoint there is no personal interest in the program. But I can see that stopping this program on December 31, 1963, would very likely cause some serious damage to those engaged in certain agricultural operations in various areas in the United States as well as to the consumer.

In the Los Angeles Times of Friday, October 25, 1963, it is reported that the Imperial Valley lettuce growers in California claim that if the bracero program ends on December 31, 1963, they may well lose most of their $12 million planting costs. This amount in lettuce has already been planted, and it is to be harvested between December 1963 and March 1964. If the bracero labor is not available, the growers report that American fieldworkers cannot be obtained to harvest the lettuce and that their entire investment of $12 million could well be lost. This, in turn, could bring about a shortage in the lettuce crop and a higher price to the consumer for that which is available. This could cause a loss in taxes to the State of California and the U.S. Government, both of which seem to be operating at a deficit each year, which would indicate that this loss in revenue would be detrimental. This is only one example, and I am certain that proponents of the bill will offer further concrete examples during the general debate.

As I mentioned, Mr. Speaker, no braceros are used in my 20th Congressional District. But, in studying the arguments both for and against this measure, I do have a deep sympathy for the growers for this additional 1-year period.

In a somewhat analogous situation, I find that for the first time in 15 years in the legislative field, I am in difficulty in my district in connection with a flood control project. For all practical purposes, I am at the mercy of the distinguished gentleman from Tennessee [Mr. DAVIS] and a Member of the other body, and the members of the Public Works Committee to resolve the problem. I mentioned this last week when we considered H.R. 8667, a project as part of the Los Angeles-San Gabriel flood control basin as heretofore authorized up to July 31, 1963, for the purpose of constructing certain drainage down certain residential streets in Glendale and Burbank, Calif. The contract was let early this year, and the authorization has now expired, with the result that the work has practically stopped, and thousands of people will be unable for many more months to get their automobiles into their homes, to receive deliveries, and to live a normal life.

Balboa Elementary School is on this street. It is attended by several hundred children from kindergarten through the sixth grade. Those who live in homes across the street from the school, find that they have to line up each morning and walk across a temporary bridge in order to attend school. I mention this to indicate that in emergency situations such as this, a Member can find himself in a position where he needs the assistance of other Members to help him out. I feel that it is possible for any Member in a difficult position at some time whereby he will need the assistance of others to help him out in an emergency situation. Those Members whose districts use braceros are now in this difficult position.

It can, of course, be stated that this program is due to expire on December 31, 1963; that the growers were aware of it and should have made their plans accordingly. But, it has not worked out this way because it has always been continued in the past, and they did not have any reason to believe that it would not be continued until May 29, 1963, when the previous measure was defeated. Although I am not an expert on farming or agriculture, it is my understanding that agriculture programs are planned well in advance for a year or more. That is why the lettuce growers find themselves in the position they are in so far as harvesting their crops during the early months of 1964 are concerned. If this program is extended for 1 more year, then they will be given a fair advance notice and they can make their future agricultural operations in accordance therewith.

My sympathy in support of the program for this 1-year continuance has further been recently brought to my attention from a personal standpoint. My father passed away in January of this year, and among the family assets are certain farms. One farm in Illinois which, incidentally, does not use any braceros, is under lease until the end of February 1965. This is on a 3-year lease. Two months ago the tenant wrote to me and requested that I extend this lease for another 3 years. I told him that due to probate, it would not be possible for me to extend it for 3 years until the probate was completed. He insisted that he be advised as to whether or not he could have it for 1 additional year after February 28, 1965, stating that he is now planning his 1965 crop year. I did not know that it was necessary for him to make plans that far in advance, but after his explanation, I assured him the lease would be extended for at least 1 more year until February 1966 and that prior to October 1, 1964, I would notify him as to whether or not the lease would be extended past February 1966 so that he could make his plans accordingly. He was very pleased with my decision.

So, Mr. Speaker, I would plead with those Members who are opposed to this program that they give serious consideration to accepting and supporting this 1-year extension. I realize that to do so would cause them to vote differently than they did on May 29, 1963. It seems to me this can be justified from the standpoint that growers must make their plans well in advance and that to abruptly halt this program on December 31, 1963, with such short notice is unfair.

The gentleman from California [Mr. SISK], has made the statement to the effect that this is the last extension he will support. He is well aware of the California situation and is a member of the Rules Committee, and I am satisfied that without his support this program cannot again be continued. So, I believe, Mr. Speaker, that this 1-year extension will undoubtedly bring this program to a close, and I would urge the Members who are opposed to the program to try and see if their fair conscience will permit them to support this one further extension.

I have requests for time, Mr. Speaker, and accordingly reserve the balance of my time.

Mr. SISK. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker and Members of the House, over 5 months ago, after five previous extensions, the House voted to terminate the importation of Mexican farm laborers under Public Law 78, a measure which had originally been enacted, as we all know, in 1951 to meet a temporary wartime emergency. This bill, therefore, should not even be before us today, and on final passage I urge all of you to join in reaffirming the wisdom of our earlier decision.

Proponents of this program, of course, will argue that this is a different bill; that all they are asking for this time is for a 1-year extension. At this point I would like to remind Members in arguing this matter in earlier years that I personally introduced a phasing-out amendment which involved a 1- to 3-year phaseout, and at that time it was very flatly rejected. I suspect there are Members of the House here today who, although they will be very happy to accept a 1-year extension, still in their hearts want a permanent program.

On the five previous extensions, Mr. Speaker, every one of them argued that this was the last time. They document their intentions to continue this temporary program indefinitely. Spokesmen before the House Committee on Rules earlier this month already made the comment that if this bill is passed, they will be back next year requesting still further continuations.

Mr. Speaker, the facts which caused the House to terminate the program 5 months ago still exist. A bill calling for another 1-year rather than a 2-year extension certainly does not alter these facts. They are as valid today as they were at that time. In fact, in many ways the situation is even worse today and even greater justification exists for termination because more farm jobs, nearly 300,000 of them, were lost this years as a result of automation, and more family-type farms were forced to shut down through inability to compete with subsidized agricultural giants.

In brief, Public Law 78 has fed on poverty conditions in Mexico, while it has increased unemployment and destitution among farmworkers. I want to urge Members to read the minority report, because it fully documents most of the

things which I am going to say and have already said.

May I also call your attention to the fact that in the RECORD of yesterday, October 30, 1963, on pages 19615 through 19617, I have put into the RECORD an article which points out some of the efforts that have been made by some far-sighted growers in my own great State of California to meet the problem of farm labor recruitment. In addition to that, I have inserted data which shows what farm labor rates are in the entire United States.

I challenge you to look at that series and tell me that these wage rates by State and by region are an adequate wage offering for an industry as large as agriculture in this country.

In addition to that, we have inserted the gross farm income figures. We have the percent of expense as a portion of gross farm income to show that the labor component in terms of total cost is a very small portion of it indeed and could in fact be raised.

Mr. Speaker, the mass importation of braceros, nearly 250,000 in 1962, is one of the major reasons why American farmworkers are the poorest labor group in the United States today, a group which in 1962 had an unemployment rate of 7.3 percent and an additional underemployment rate of 9.5 percent; a group which in 1962 was able to work on the average only 134 days for the pittance income of $913.

Mr. Speaker and Members of the House, at the appropriate time I am sure the gentleman from New York [Mr. ROSENTHAL] will call this to the attention of the House. In a letter directed to the Department of Labor, he inquired about the position of the administration on this bill. I want here to remind Members that the administration is not supporting this extension in its present form. I shall quote from the letter, and I am sure it will be dealt with later on by our colleague, the gentleman from New York [Mr. ROSENTHAL]. I quote from the letter:

> The administration has continued to maintain the position I indicated before the House Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture on March 27. We support a 1-year extension provided the act is amended to require employers seeking to obtain Mexican workers to demonstrate that they have offered to domestic workers workman's compensation or occupation insurance coverage, housing, and transportation expenses equivalent to that furnished to Mexican workers.

I want to say to the Members of the House, many of whom in good faith have contacted me and asked me to help them on this problem, in every year that I have been in the House and have argued this question, I have made every effort to try to be reasonable on this question and to try to help out. And in every instance I have indicated that if on their side there were these appropriate amendments offered, I certainly would modify my position on this bill in terms of total termination but only if there were some effort made to show to me that we were making some reasonable effort to recognize the condition of domestic labor in the United States. It is quite evident by the record that on every occasion these overtures have been rejected.

Mr. Speaker, I think the most important testimony that has been given on this bill was given recently before the Senate committee by the Under Secretary of Labor. I want to quote what he said:

> The President also directed the Secretary of Labor to use the full scope of his authority under the law to institute policies which would safeguard domestic workers against adverse effect resulting from the use of Mexican workers.
>
> The availability of a large supply of alien workers has created an anomalous situation in our agricultural labor market seriously interfering with the free interplay of supply and demand. The certification which permits the admission of any alien workers into the United States for temporary employment must essentially be conditioned upon a shortage of available domestic labor. It is axiomatic that in such a normal labor shortage situation the bidding for available domestic labor would produce more competitive job offers. In these circumstances we could generally expect better terms and conditions of employment than would prevail in labor surplus areas.
>
> With an inexhaustible supply of alien workers at our very borders we find, conversely, that the terms and conditions of employment offered domestic workers not only remain static but in many cases are less favorable than those offered domestic workers in areas where no alien workers are employed. We find, further, the incredible situation where alien workers are offered better terms and conditions of employment than are afforded our own agricultural workers competing for the same jobs. The simple fact is that under the present system an employer can refuse to offer to domestic workers the same terms and conditions that he is required to offer alien workers. If the domestic worker refuses to accept the job at less favorable terms, the employer is permitted to bring in Mexican workers who are then afforded the very terms and conditions which were denied to our own workers.
>
> This situation exists basically because of the limited authority vested in the Department of Labor under Public Law 78. The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to require, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers. It is for this reason that we would oppose any further extension of Public Law 78 without amendments which would bring the required job offers made to Mexicans and to domestic workers more closely together.

Mr. Speaker, the very form of the importation makes a mockery of the adverse effect prohibition of Public Law 78. Growers offer work at a set wage, a wage which in one bracero-using area was as low as 60 cents an hour and until the adverse effect rate was adopted by the House and the Bureau of Employment Security began to enforce these rates, in one State of our Union the rate was as low as 35 cents and in this year the adverse effect forced up the rate to 60 cents an hour. I am very happy to say that as a result of this, this very same State that I am alluding to, a very active proponent of this bill, the rate has now actually gone up to 82 cents an hour which, of course, is still way below the average of any kind of living wage in this country. Such a wage is certainly not adequate to attract a sufficient number of domestic workers. They do not raise wages as would be the case in any other industry. What then, do they do? They merely ask the Federal Government to recruit Mexican farmworkers, and with the poverty existing in Northern Mexico, this is more than possible and we concede that they fight for the jobs. It is obvious that such a condition makes it impossible for the free enterprise system to operate to allow wages to be set by the law of supply and demand. It is furthermore obvious that no matter what reforms are put into effect—and the committee has rejected even the most modest amendments adopted by the Senate—the very existence of this law with its inexhaustible supply of cheap, docile labor is bound to have an adverse effect on wages and job opportunities for U.S. farmworkers.

We should be very clear as well, Mr. Speaker, that this program does not benefit American farmers as a whole. Rather, it is a subsidy for only 1 percent, and in the great majority of cases they are large, corporation-type farms, already heavily subsidized.

According to the most recent agricultural census, 88.4 percent of this Nation's farms use no or very little hired labor. These are hardly the people benefiting from the importation of 250,000 Mexican nationals.

But others would grieve to see Public Law 78 pass from the scene. The catering firms who provide board for Mexican nationals at $1.75 per person—the maximum allowed by the Government—would be very disappointed if the bracero program should be terminated. Why should they not be? For every $1.75 they receive they spend approximately 80 cents, and that is not a bad profit.

And what about the bracero himself? How is he treated? What about his freedom of association, for example? If braceros attempt to band themselves together, they are shipped back to Mexico. Freedom to move, perhaps? If braceros leave their assigned place, they are immediately sent home. Freedom to petition for redress of grievances? If braceros complain, they are blacklisted as troublemakers and returned. Freedom to have a family? Braceros are denied the right to family life so long as they remain in this country. And, 25 percent never return to their families in Mexico. Is it any wonder that this program has been denounced by a wide range of religious and civic groups?

Braceros, in brief, have no freedoms. They must work for whomever they are told, doing whatever they are told, for as long as they are told, under whatever conditions they are told. This is not a program of which we can be proud. It is a program which should be ended once and for all.

The charge is made, Mr. Speaker, that growers need Public Law 78; that American farmworkers will not do stoop labor. This simply is not true. It is an insult to American initiative and perseverance. Domestics harvest tomatoes in

Pennsylvania; they chop cotton in Alabama; they harvest sugarbeets in Minnesota; and they pick lettuce in North Carolina—all work which braceros are hired to do elsewhere. And let me remind our colleagues again that coal mining is stoop labor and no one is suggesting that we import foreign labor for this task.

American farmworkers are available. Former Labor Secretary Arthur Goldberg reported that if rural unemployment and underemployment were calculated together it would total the equivalent of 1,400,000 fully employed persons, but wages must be raised to a minimumly decent level, and recruiting programs, not unlike Public Law 78 itself, must be inaugurated. Legislation to accomplish both of these goals is now before the Congress, and both economically and morally, I submit, this is where we should be placing our emphasis and attention.

As a matter of fact, intelligent planning and recruiting plus the provision of decent wages and working conditions have resulted in an adequate supply of domestic farmworkers. This has been demonstrated by the Tulare County Farmers Association, an organization of citrus growers in California's Fresno, Kern and Tulare Counties. According to an article in the October 1963 issue of Western Fruit Grower, which appears on page 19616 of yesterday's RECORD, 90 percent of these growers now harvest their crops without the use of braceros or "green carders," relying exclusively on domestic workers for their supplementary needs.

And let us not forget that Public Law 78 is an added burden to the American taxpayer. While growers pay $15 per worker into a revolving fund for program operating costs, Labor Under Secretary John Henning stated on July 30 that the cost is now $18 per bracero. In addition, the American taxpayer subsidizes the 1 percent of our growers using Public Law 78 in still another way. Compliance or enforcement activities cost us $1,261,667 in fiscal year 1963 alone. For the last 5 years the figure has totaled nearly $5 million.

Mr. Speaker, this program has grievously injured American farmworkers and the great majority of American farmers. It is poor economics and outrageous social policy. It is an injustice which has been tolerated far too long, and I urge that when the final vote is taken it be given its just demise.

Mr. SMITH of California. Mr. Speaker, I yield 6 minutes to the gentleman from Illinois [Mr. DERWINSKI].

(Mr. DERWINSKI asked and was given permission to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, let me clear up some of the confusion that has been caused by statements delivered against Public Law 78, commonly known as the bracero program.

Having served the last 3 years as a delegate to the United States-Mexican Interparliamentary Conference, I can state that the Mexican legislative and executive branch officials are interested in the effective administration and perpetuation of this program and do not feel that their nationals involved are being exploited, abused, underpaid, or in any fashion victimized. Furthermore, the effectively controlled use of braceros has eliminated the wetback problem and has been the main reason for keeping illegal entrants from Mexico to a bare minimum.

Representing as I do an urban area, I have been faced for many years with the tremendously complex economic and social problems caused by illegal entry into the country of Mexican nationals. When Mexican nationals enter the country illegally, they are subject to exploitation, bribery, and abuse due to their illegal status, and we can statistically trace a direct reduction in illegal entrants to effective administration of the bracero program.

One other point of confusion should be clarified. That is the relationship of the bracero program to domestic farm labor. The social problems inherent in family migration of domestic farm labor are not involved in the bracero program since in it we have only individual males without the resulting personal and social complications of family migration.

I believe this bracero program to be one of the most misunderstood issues facing the Congress. Anyone truly interested in the welfare of farm labor should support H.R. 8195 which provides for proper administration through necessary and effective inspection procedures, and, as I have indicated, serves a very effective role in eliminating the problems caused by illegal entrants from Mexico.

In directing my remarks to the subject matter, it is not my intention to disregard the economic and administrative practicality of the bracero program to small farms in the Far West. Neither is it my intention to disregard the effective role of braceros in gathering the crops at peak harvest when they are vitally needed for the effective harvesting and distribution of certain farm products.

This program under the joint supervision and control of two friendly governments and with firm controls called for in the law, has more advantages than disadvantages and deserves congressional approval.

Mr. Speaker, since this issue has been debated for some years, and this year we have a repeat performance, I do not feel it is necessary to go into the details of the pros and cons of this bracero program. I believe the gentleman from California [Mr. SISK] pointed out quite fairly that, to use his words, "this program is not lily white nor is it as black as it has been painted by its opponents."

Mr. Speaker, I find in looking at it very carefully that there are certain immediate charges that people can make against the program. They are justifiable but I feel, however, there are very practical aspects to the program. In my opinion the practical, good aspects of the program outweigh the detrimental portions.

Mr. Speaker, my purpose this afternoon is to ask the Members of the House to support the rule and to ask the Members of the House to support a 1-year extension.

Mr. Speaker, speaking as a representative of an urban area, I would like to discuss one complication which could well arise if we have a sudden termination of this program. First of all, we realize that despite all statistics or claims that can be made to the contrary, there just is not enough American domestic labor ready and willing to do the job of harvesting at the time the need is really there. As a result, if we terminate this bracero program on the 31st of December, we will create a tremendously artificial demand for labor. It will be filled, in part, by wetbacks who will pour across the border just as they did years and years ago before the bracero program was developed and implemented. Therefore, if you have a choice between the evils of the bracero program and the various complications caused by wetbacks, I would suggest that for the next year at least we should continue this bracero program.

Mr. Speaker, in one of my communities in the district which I have the honor to represent we have a rather sizable Mexican-American population. When I took office succeeding my predecessor, I found that the present volume of files in his office dealt with matters of the illegal entrants from Mexico who had entered the United States. Some had married American citizens and started to raise families. Others participated in smuggling in their families and friends. All were oppressed by the grave complications of their illegal status.

Mr. Speaker, all of these complications cause social, personal, legal problems for people greater than the objections which Members have to the bracero program.

Mr. Speaker, since we do not have any immigration quota to apply to Mexico, or for that matter any other Latin American country, the moment we terminate this program we will have an influx of Mexican nationals who will enter this country as permanent residents. Unless they are gainfully employed throughout the entire year—assuming when they come in they will be unskilled and will be working in the farm areas—they will, as soon as the harvest season is over, face unemployment. Their families will become problems in social welfare cases and their families will become charity cases.

Mr. Speaker, all of these complications will immediately develop if we have a sudden cutoff of this bracero program. I might point out, in comparison, that as an opponent of the foreign aid program, I well recognize the fact that we cannot cut it off immediately.

Earlier this year, Mr. Speaker, when we had before us the foreign aid bill, and for a moment it looked as if the vote would move against the entire program, I shocked the gentleman from Iowa [Mr. GROSS] by pointing out to him if my vote meant the difference between termination of the foreign aid program this year and its extension for a year or two I would have to vote for the foreign aid bill. Obviously, in connection

with any program, whether it be foreign aid or this bracero program, the intelligent way to terminate it is to phase it out, not abruptly cut it off. Actually, under this 1-year extension you are giving the people who use the braceros firm notice that this is the end of the program as it now exists. They know they cannot count on the program any further. You do give them a year to phase it out.

This is practical legislation, it is legislation that the House and the other body should follow. But I would like to reemphasize the point I made earlier. Immediate complications involved in the sudden termination of this program will in many areas exceed the abuses to which objection is taken. The Members from California, Arizona, New Mexico, Texas, and other States who are the bracero labor States should consider the social implications, the families that will be brought here as permanent citizens, the Mexicans who will come across as residents rather than as temporary farm laborers. An intelligent, 1-year termination of the program is the answer.

That is why I urge all of you, especially those who have philosophical and political objection to this program, to take into consideration the real issue before you; that is, whether you are going to cut off the program at the end of this year and create chaos, not only in the areas where the labor is used, but also in the resulting social problems I pointed out, or whether you are going to give the operators of this program 1 year to intelligently phase it out. In my opinion the defeat of the bill earlier this year is sufficient warning that the House in particular and the Congress as a whole will not extend this program again. I believe the 1-year extension now before us is logical, practical, and absolutely necessary.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROOSEVELT].

(Mr. ROOSEVELT asked and was given permission to revise and extend his remarks.)

Mr. ROOSEVELT. Mr. Speaker, I rise at this time in order to inform my colleagues I will offer an amendment to this bill which reads as follows:

SEC. 510. No worker will be made available under this title for employment after December 31, 1963, except that during the calendar year 1964, workers may be made available under this title for employment on farms where such workers were employed during the preceding year, but only if and to the extent that the Secretary determines that every reasonable effort has been made to obtain suitable domestic labor and that such labor is unavailable for such employment.

I will request 5 extra minutes to explain this more fully. I believe we need to end the bracero program but I think it is possible to do so without injuring the people who might be injured unless you leave in some kind of a reasonable escape hatch. But I will go into that more in detail at the proper time.

Mr. SISK. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HANNA].

Mr. HANNA. Mr. Speaker, I think that what we want to distinguish here is the difference between a decision to terminate the program under Public Law 78 and the way in which we are going to accomplish it. I would remind the gentleman from California [Mr. COHELAN] that this is the first time in the House when we have had the decision of terminating the program before us, so we are not revisiting the bracero program in the sense in which he referred to it.

It is said that the farmers have been warned all these many years that one day this program was going to come to an end. Where did they get that warning? From the representatives who have been in favor of this program? The people who have been planting, cultivating, and harvesting the strawberries and other produce in my district, are farmers such as Bill Asawa and Henry Kenagae, not the representative from the Farm Bureau. The first time they knew the program was in trouble was when the House voted to terminated it. Now they have asked me what we are going to do to phase out our operations. I think this is the sense in which we are going to make this decision on this bill.

It may further be argued by some that the CONGRESSIONAL RECORD contained sufficient warning. However, how realistic a warning is the RECORD. How many of you gentlemen read the CONGRESSIONAL RECORD before you came to Congress. The farmers in my district do not read the CONGRESSIONAL RECORD as a regular habit.

Gentlemen, what we here ask is for graciousness from the victors. To those who have prevailed in the argument to terminate Public Law 78 we give all honor and glory. We sue only for reasonable treatment for the vanquished. Understanding that this is in full accord with the tradition of America. After all, even after World War II we gave the Germans the benefits of the Marshall plan.

Mr. Speaker, I therefore ask support for the rule and support for the bill.

Mr. SISK. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. LEGGETT].

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Speaker, I support the rule. I think it reasonable and fair that the House work its will on a 1-year extension of the Mexican national labor program.

This House has been variously referred to as a fairly conservative body, many times I believe a little too conservative. What is there conservative about cutting off a 70,000-man labor supply to the largest State in the Union on 60 days' notice? Those working hard for the defeat of this law are the best internationalists of the Congress. The Mexican Ambassador by a formal letter sent to the Senate and to the Department of Labor has asked that he have some time to readjust the 150,000 braceros that are taking part in the international work program this year.

I think you gentlemen who purport to be concerned with the Alliance for Progress in connection with our Latin neighbors should scrutinize your own consciences to see whether or not you are providing adequate notice not only to the people in California, Texas, and Arkansas, but also to our neighbors to the south.

I favor a reasonable termination of this program, but before you shut off a man's labor supply it seems to me you have to give him some reasonable assurance as to where he is going to get an alternative source.

Maybe in my home State of California we have kind of painted ourselves into a corner. We now have the most liberal unemployment insurance program in the Nation. There is no waiting period for the average industrially unemployed in qualifying for $55 a week unemployment insurance benefits. In addition, you can make $12 a week outside earnings. In addition, these benefits are tax free, so you have to add 17 percent. Then multiply the weekly wage by 4⅓ to get the monthly wage. In California this brings in $330 a month, for 26 to 39 weeks. Husbands and wives can jointly qualify for these benefits.

I have separated these programs, and I have separated them because I believe job insurance is job insurance. If you are an unemployed bricklayer you do not have to go out and pick tomatoes prior to the time you qualify for unemployment benefits. I support this principle, but also this is the reason why the industrially unemployed in California are not available to get out and pick this fruit.

Measures have received extremely serious support this year to extend benefits to $70 a week, which we have extended in the disability insurance program in the State of California, which program we have extended to the agriculturally disabled, which carries a hospital benefit of from $12 to $20 a day. The provision to extend unemployment insurance in my State would also provide, in addition to the $70 a week, for $5 for each dependent of the unemployed up to four and would extend outside earnings to $20 per week. Under this provision it is readily calculable that a husband and wife can make substantial wages on unemployment insurance in the State of California. Within the next few years they may qualify for these kinds of benefits. Many of us on the Democratic and on the Republican side in California support these liberal unemployment insurance programs.

The liberals are in the position now where they cannot have their cake and eat it too. If we have a concept of job insurance, you cannot get agricultural workers from the industrially unemployed.

At the present time, once a man is substantially industrially unemployed or employed, he never again returns to the farm. I talked to the organized labor in my home in north central valley district all this week and consistently I get the same answer, they have unemployed, "but, Bob, you cannot expect us to send our unemployed out to the farms right in our county where they can commute and where they can live at home to perform this kind of labor prior to the time that they qualify for these kinds of benefits."

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. LEGGETT. I yield for a question.

Mr. COHELAN. I have listened to the gentleman with great interest. It seems to me, the gentleman is making a good argument to raise wages in the agricultural sector, and I heartily endorse that. I just want to know this—I know in the committee which the distinguished gentleman from California is a member, there were amendments introduced to provide transportation and workmen's compensation and some of these benefits that we are now providing in California.

I ask the gentleman—did he vote for this amendment—incidentally, which amendments were recommended by the administration—and maybe we can get together on it and I could support the bill.

Mr. LEGGETT. Now your question is somewhat compounded, but I would like to try to give the gentleman an answer. I did not vote for these amendments but not for the reason you think. I want to give agricultural workers in my State the highest and best wages in the country, and if they can equal industrial wages, we certainly want that. Now I am sure my colleague from urban Alameda County is cognizant of the fact that we do have regulations which are existing law in the United States which have been promulgated pursuant to the Federal Register. These regulations provide with respect to housing——

The SPEAKER. The time of the gentleman has expired.

Mr. SMITH of California. May I inquire of the gentleman whether he needs additional time?

Mr. LEGGETT. Could I have 2 additional minutes?

Mr. SMITH of California. I yield 2 additional minutes to the gentleman.

Mr. LEGGETT. It reads:

It is the policy of the Department of Labor to require new housing built for the us of foreign workers provide the facilities for domestic family groups or be capable for conversion to such use.

There is a long paragraph there that I do not have the time to read, but it is cited in the RECORD at page 14382 of this year's journal.

If you read the next page, you will read the elaborate provision respecting transportation. We have an elaborate administrative regulation describing exactly the thing that the department is asking for a legislative confirmance. They do not need legislative confirmance.

I would like to call to the attention of the body, if there is anybody left in this House who is uncommitted on this issue. I ask him to refer to the RECORD of the day before yesterday at page 19,406 where I included there an analysis of wages which the Department of Labor reported, that they are paying braceros this year and last year under the bracero program.

In California the average wage is $1.26. Forty percent of the wages in my State are paid to tomato pickers at an average wage of $1.35. We are paying for picking watermelons $1.70 an hour on an average to braceros.

For loading tomatoes, it is $2.35.

In other States which have been alluded to on page 19,407 we have statistics by commodity and by State and by groupings for every State in the country indicating that in Arkansas where there has been some talk of 40- or 50-cent wages and a 70-cent adverse effect rate, the average wage paid by that fine State of Arkansas is 82 cents an hour during the first half of this year in the bracero program.

The SPEAKER pro tempore. The time of the gentleman has expired.

CIVIL RIGHTS

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. MEADER].

(Mr. MEADER asked and was given permission to speak out of the regular order and to revise and extend his remarks and to include extraneous matter.)

Mr. MEADER. Mr. Speaker, the basic objective of civil rights legislation should be to exercise all legitimate Federal power to carry out our constitutionally established national policy of nondiscrimination, which Congress has failed to effectuate. It should be enacted in the 88th Congress.

The bill should include voting, interstate travel, Federal assistance programs, Federal employment and contracts and, for enforcement of public policy in these fields, should employ tried and established sanctions.

The bill should not initiate the dissolution of our federal system nor, in proceedings against citizens by the Federal Government, strip them of protections against tyrannical behavior guaranteed them by the Bill of Rights.

These objectives can be attained.

Mr. Speaker, after the House Judiciary Committee had taken final action on civil rights legislation I was interviewed by Mr. Paul A. Miltich, the Washington reporter for the Booth newspapers, as to my position on civil rights legislation. As a result of that interview Mr. Miltich wrote a story which spells out in somewhat greater detail the position I have just announced. I include the text of that article as it appeared in the October 29, 1963, issue of the Ann Arbor (Mich.) News at this point in my remarks:

MEADER UNVEILS OWN CIVIL RIGHTS PACKAGE

(By Paul A. Miltich)

WASHINGTON.—Representative GEORGE MEADER, Republican, of Ann Arbor, who finds it impossible to support either the administration civil rights bill or a tough subcommittee bill going far beyond it, today unveiled his own civil rights package.

MEADER said he has kept himself flexible to date in the hope the House Judiciary Committee could agree on what he regards as a sensible, meaningful bill, but now feels compelled to draft his own measure.

The Meader bill will contain a limited public accommodations section and a voting rights provision aimed at prompting action at the State level to eliminate loss of the vote through racial discrimination.

It will be minus any section conferring authority on the Attorney General to start suits on behalf of citizens complaining of school segregation or any other form of racial discrimination.

It would write the President's Committee on Equal Employment Opportunity into law instead of having its existence depend on an Executive order by the President. This Committee seeks to eliminate racial discrimination in employment among Government contractors.

The Meader bill would not include a Fair Employment Practices Commission (FEPC), extending the equal employment opportunity idea to business and industry generally.

MEADER's public accommodations proposal would ban racial discrimination by operators of certain establishments who are located on or near interstate or primary highways and who cater to interstate travelers.

Punishment for violations would be a $1,000 fine, or 1 year in jail, or both.

The proposal would specifically include hotels, motels, inns, restaurants, eating establishments, and gasoline stations falling into the interstate category.

MEADER's voting rights provision would establish a bipartisan commission (four Members each from the House and Senate) which would make recommendations to Congress to reduce the congressional representation of those States depriving citizens of the right to vote for racial reasons.

MEADER said he has made his public accommodations section strictly interstate because "in my judgment, that's as far as the Federal Government's authority extends in this area."

"If you go as far as the Kennedy administration and the liberals want to go, it's tantamount to a constitutional amendment vesting all State powers in the Federal Government and would destroy the Federal-State system," MEADER declared.

Of his voting rights proposal, MEADER noted that action to reduce representation in Congress of States practicing discrimination is called for in the 14th amendment to the Constitution but has never been used.

His plan would provide for "implementation" and would be "an incentive to certain States to get busy and wipe out discrimination in voting," MEADER said.

Rejecting the administration's plan to appoint temporary voting referees to go into the States and handle voter registration, MEADER said "this bristles with all kinds of problems and uncertainties."

MEADER voted against the 1960 civil rights bill because of his objections to the voting referees proposal.

MEADER's opposition to conferring special civil rights powers on the Attorney General should surprise no one.

He has consistently fought what he calls government by injunction.

"You can't give power to anyone, like the Attorney General, without taking it away from somebody else. I'm not willing to take power away from the people and give it to an all-powerful centralized government. It strips the citizen of the protection against his Government which is guaranteed him by the Bill of Rights."

MEADER'S bill would make the Civil Rights Commission permanent.

He is debating whether to include a community relations service, set up to try to negotiate solutions to community race problems.

Mr. SMITH of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. LATTA].

(Mr. LATTA asked and was given permission to proceed out of order and to revise and extend his remarks.)

Mr. LATTA. Mr. Speaker, when the President announced to the Nation and to the Congress that he was abandoning the declared policy of Congress oppos-

ing the sale of subsidized agricultural products to Communist nations—other than Poland and Yugoslavia—we were led to believe that these sales would be made for cash, with payment in gold or dollars, thereby aiding our balance-of-payments problem. Let me read what the President told the Congress in a letter to the Speaker dated October 10, 1963, and I quote:

> The sale of 4 million metric tons of wheat for an estimated $250 million and additional sums from the use of American shipping will benefit our balance of payments and gold reserves by that amount. Assuming they do not pay in gold directly, the Soviets are expected to sell gold for dollars in the London market, thus increasing support of the dollar and decreasing the pressure on our gold supply.

I have in my hand UPI release 73 of this date which reads as follows:

> The U.S. Export-Import Bank will move soon to crack a credit roadblock holding up sales of $6.4 million worth of surplus corn to Communist Hungary, informed sources said today.
>
> The sources predicted that the Bank, a Government agency, would announce its willingness to guarantee commercial banks against loss on all credit to Hungary in the corn deals. An Export-Import Bank spokesman said official comment on the subject might be made soon.
>
> Similar guarantees were expected to be available to smooth financing of other potential sales of farm surpluses to the Soviet Union and other Communist bloc countries.

I think it is well for the Congress and for the Nation to know that we are not going to be selling subsidized agricultural commodities for gold and dollars on the barrelhead as indicated by the President, but we are going to be selling for credit and that the taxpayers of the Nation, through the Export-Import Bank, will be guaranteeing the loans to be made by banks financing the deals for the Communist countries.

Mr. SISK. Mr. Speaker, I yield 7 minutes to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, I am pleased to note that apparently there will be no serious difficulty in adopting the rule on this bill. I sincerely hope that the 1-year extension which is provided for in this bill will be approved by the House of Representatives.

Mr. Speaker, it has been pointed out by the gentleman from California [Mr. COHELAN] and others that the annual wage of farmworkers is not very high, and this is true. The annual wage of farmworkers is not very high. If the Congress wished to consider legislation on the subject of fixing wages and hours and living conditions for farmworkers, that could be done. Such action would not be in the public interest and I would oppose it. However, this is not the subject before us in the pending bill.

The only issue before us today is whether or not we will continue to permit the Department of Labor to admit into this country a number of Mexican workers from the Republic of Mexico. They come alone to do seasonal work. They do not bring their families with them. They then return home after this seasonal work has been done. That should be the only question which is before us today.

It is rather remarkable to recount that during the last 10 years there has been a dramatic improvement in living standards of farmworkers, especially migrant farmworkers. And, in my opinion, much of the credit for the dramatic improvement in living standards has been brought about as a result of the bracero legislation.

Braceros are used in the State of Michigan. Compare the farm labor wage in Michigan and in Ohio. The farm labor wage in Michigan, where braceros are used, is higher than it is in Ohio where they are not used. Why has the living standard of workers and the wages of workers been increased as the result of the bracero program? Here is the reason why. Under the regulations, the farmer has had to provide better housing conditions, much better than he had theretofore provided for anybody; but he has been required to do this. He has been required to provide the average wage which is often the maximum wage in the area. So wages have gone up. Living standards and housing conditions have improved. And the farmer has therefore made a big step toward providing better living conditions for the worker. The bracero program is in part responsible for this.

The farmer would not care for this bracero program if he could avoid it, if he could get the labor otherwise. He has to provide better housing than he would have to provide for domestic workers. He has to go through a lot of red tape, and the farmer despises red tape. The farmer is not subsidized by the bracero program. He is penalized because of all of these rules with which he must comply. In order to get one bracero to work for 6 weeks he has to pay a total of about $50. This is in addition to the wages he pays the worker. This would include transportation and other items. The $50 applies in the area I represent. The fee varies in other areas. And if the farmer uses the bracero beyond 6 weeks he has to pay an additional amount.

The bracero program has helped Mexico, and has improved international relations, of course. It has raised the standards of domestic labor. It has raised the wages of labor and has not adversely affected people who work on farms. The program could have brought havoc to domestic workers. It could possibly have meant ruination to domestic workers. But the reason it has not and could not under the circumstances is that the farmer prefers the domestic worker, in the first place, and in the second place this program is being monitored and administered by the Department of Labor.

The program has not gotten out of hand because no bracero can come into any State of the Union and take any job unless the Department of Labor certifies that domestic labor is not available and that imported labor is required in order to meet the emergency.

So, Mr. Speaker, the Department of Labor, being friendly to labor, has monitored this program in such a way that it has been helpful to the domestic laborers of the country. In fact the regulations have been too restrictive on users, and there has been undue hardship on some users in certain instances.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to my friend, the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Does the distinguished gentleman from Texas and my good friend, the gentleman from Texas [Mr. MAHON] feel if we were to provide the same provisions which are required for the bracero worker under Public Law 78; that is to say, transportation, housing and all of the other guarantees as well as workmen's compensation and so forth, that we might very well be able to get—and with the money and effort expended by the growers in this area—if we did that very same thing for domestic workers, does not the gentleman feel we might be able to recruit domestic farm labor?

Mr. MAHON. The domestic farmworker is given the preference, if he is available, because the farmer, among other reasons, in my district, has to pay about a $50 fee to get the bracero.

The issue of Federal control of domestic workers is not the issue in this bill.

This program which has contributed to the welfare of the domestic worker is being phased downward, and it should be phased downward wherever reasonably possible because we are all for the domestic worker. We believe in preference for him.

Mr. Speaker, in my State in 1961 we used 117,000 braceros. Last year we had 30,000. This year, up to October 20, we have used 4,900. So, we are doing our best. The Department of Labor is policing this program in such a way that it is helping the consumer because he gets more and a better-assured supply, and it is helping labor.

Mr. Speaker, the passage of this measure is in the best interest of the country and I earnestly hope that we will provide for this 1-year extension.

Mr. SISK. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8195) to amend section 510 of title V of the Agricultural Act of 1949, as amended.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8195, with Mr. NATCHER in the chair.

IN THE COMMITTEE OF THE WHOLE

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. COOLEY. Mr. Chairman, the bill which we are about to consider was referred by me, as chairman of the House Committee on Agriculture, to our Equipment, Supplies, and Manpower Subcommittee, headed by the gentleman from Arkansas, Congressman E. C. GATHINGS. The author of the bill is our distinguished colleague, the gentleman from Texas, Judge GRAHAM PURCELL. All persons desiring to be heard were given an opportunity to be heard and the bill was favorably reported by our committee. Certainly all of you know that our colleague, the gentleman from Arkansas, Congressman GATHINGS, has been intensely interested for many years in the program authorized by the pending bill. This bill provides for an extension of the program for only 1 year. While we have no braceros in the congressional district which I have the honor to represent, and have never had braceros in our district, I have supported legislation authorizing and providing for the program because I believe that it is in the interest and welfare of the people of our Nation.

I congratulate and commend the gentleman from Arkansas, Congressman GATHINGS, upon his efforts and upon the splendid manner in which he has handled the pending bill. I also congratulate and commend the gentleman from Texas, Judge GRAHAM PURCELL, for his interest and for the very fair and forthright manner in which he presented all the pertinent facts and circumstances involved in the problems confronting farmers in many of the States of the Nation. I agree with the author of the bill and with the chairman of the subcommittee that the bill before us is important and vital and must be approved and enacted. During the debate I am certain that proponents and opponents will discuss the programs of the past which have been, from time to time, authorized, and I am certain that you will understand the need for the legislation which I now urge you to approve.

Mr. Chairman, I now yield 5 minutes to the author of the bill, the gentleman from Texas, Judge PURCELL.

Mr. PURCELL. Mr. Chairman, references have been made today to the fact that discussions of this bill in past sessions have played more on the emotions than on the good judgment of the Members of this body. This is a bill in which emotions can be brought into play. I believe this is the time that we should accept the responsibility of being businesslike in the approach to the problems that face us, and this provides us an opportunity to be businesslike. I do not imply by that statement that those who oppose the bill are not also businesslike.

Mr. Chairman, as has been stated, the farmers in our country who use Mexican nationals as laborers on their farms have many responsibilities and several penalties that they pay. One of these penalties is a $15 deposit that is required of each farmer for each worker that he is requesting before that worker is recruited to come into the working force on that farm. This $15 provides for the cost of a great part of this program. After the total number of workers has been agreed upon by the American Government and the Government of Mexico, then Mexico recruits these workers from all over that country. An allocation is given to each of the States according to the workers available who are experienced in agriculture and according to the employment level of that particular State. They then are allowed to come to certain centers.

There are three centers in Mexico, as I understand it. The Mexican citizen is on his own to get to these particular centers. These centers are located in the northern part of Mexico. They are at Guaymas on the western side of Mexico, at Chihuahua, more or less in the center, and at Monterrey toward the eastern side of Mexico.

When the workers come to one of these three centers they are then provided certain facilities, and the $15 I referred to earlier goes to pay for them. He is given a physical examination, he is oriented on the work he is going to do. Transportation then is provided for him from the center up to a corresponding center on the southern edge of our country. From that place the farmer in our country who has agreed to take these workers has a further obligation of providing transportation from that point in the United States to his own farm. All of this is policed, as referred to by the gentleman from Texas [Mr. MAHON], by our Labor Department.

These provisions have properly been placed in this law. This provides, in my judgment, a method whereby we can be further assured that not one domestic worker, not one American citizen, is going to be deprived of work because of this labor program. Each area, each individual, must have certified that there is not a domestic worker to do this particular kind of labor and to take the particular job in question before he is allowed to get these workers.

The $15 provides for not only the expense of transporting the Mexicans from down in Mexico up into the southern edge of our country, it provides for the salary of the people whom we have hired to help run this program.

Mr. Chairman, very briefly, I hope I have thrown some light on the expense and the method that is used by our people.

Let us look at this proposal from the American consumer's point of view. What will be the result if the bracero program is now terminated? I am convinced that the result will be higher prices for the consumer for the principal crops in which braceros are involved; namely, fruits and vegetables. Why is this? It is partly because the harvest will, in my opinion, be well below this year's average if this law is not allowed to extend into next year. We have adequate evidence before us of the lack of adequate available domestic labor. If there was plenty of labor, the farmers could not under the law be certified to use bracero labor. To refuse these farmers the right to supplement their labor force would cause many of them to plant less than the normal crop. I am sure some of the smaller fruit and vegetable growers will not plant these crops at all. They would feel that it would be better not to plant a crop than to spend all the money necessary to raise their crop and then let it ruin in the field because there was not sufficient labor to harvest it. I think there is no doubt that this would raise the price substantially and the consumer would be the one to suffer from these price increases, not in one State but all across our country.

I sincerely hope that my colleagues will look at this matter objectively and view the proposal as a business arrangement between two governments and between people of at least one of those governments, because of all those who benefit the consumer is the greatest benefactor. That and that alone is exactly what is before us today. I hope that my colleagues will vote in favor of this bill.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. PURCELL. I yield to the gentleman from Iowa.

Mr. KYL. May I ask the gentleman from Texas if he is in favor of a 1-year extension of this program or the further extension of the program beyond that 1 year?

Mr. PURCELL. I am speaking for this bill, which provides for a 1-year extension. I certainly want to be businesslike and flexible in my thinking. I know we need a 1-year extension. As far as I am concerned, we will look at the matter a year from now. If a determination should be made on the extension of it at that time, I would certainly want to listen to the arguments they make.

Mr. KYL. I thank the gentleman.

Mr. HOEVEN. Mr. Chairman, the bill before the House today came from the Committee on Agriculture with strong bipartisan support. It was reported out of committee by a vote of 28 to 5. It has been very thoroughly and exhaustively considered, and in the opinion of the overwhelming majority of the Committee on Agriculture, it represents the best possible legislation at this time.

I consider this to be a phasing-out piece of legislation. It is a controversial proposal, of course, but the extension is only for 1 year which seems to me to be eminently fair. It would be absolutely unfair to terminate this program within the next 60 days whereas we can reconsider this legislation a year hence and do then what is best under the circumstances. I hope the program can be terminated at that time.

I think I can speak objectively on this legislation because last year, in the year 1962, my State of Iowa used only 174 Mexican farmworkers. I, therefore, am speaking to you today as a representative of a State which, for all practical purposes, has very little need for these seasonal and temporary workers.

So I just view this from the standpoint of the Nation's welfare in being fair to those farmers who have to harvest their crops when they mature and find that

they simply cannot get domestic labor to get the job done.

I have been out in California where a lot of this stoop labor is needed. I have seen the braceros pull carrots down on their hands and knees, and I am not as yet convinced that you can get the American laboring men to do this type of work. If I was convinced that domestic labor was available I would not be supporting this bill. I think it is highly important that we view this entire situation in a realistic way.

There are, many farmers in a number of States which are absolutely dependent on this seasonal labor to harvest their fruit, vegetables, and other crops.

I, for one, do not want to be held responsible when a crop of vegetables or fruit have reached maturity and must be picked within a limit of only a few days. It is most unfair to have producers suffer a complete loss which has happened on several occasions.

The abrupt termination of this program 60 days from now would work a very severe hardship on the enterprises of many thousands of families, and would be detrimental to our agricultural economy.

In addition, farmers throughout the entire Nation would undoubtedly face a very serious shortage of domestic labor if the bracero program were to end so abruptly.

The higher wage rates and more favorable climatic conditions of the Far West would undoubtedly attract large numbers of domestic workers from the Midwest and South, thus leaving these areas with a real shortage of labor willing and able to work at difficult and tedious farm chores.

No one that I know who is supporting this legislation wants to harm U.S. farmworkers whatsoever.

The Secretary of Labor is charged with the responsibility under the present statute to take administrative action for the protection of all American citizens who compete with braceros in the labor market.

Please remember that there is not a single bracero who can be brought into this country unless the Secretary of Labor certifies that there is a need to do so. So the American laboring man is amply protected and the responsibility is on the Secretary of Labor.

Under the law, Mexican nationals cannot be employed unless the Secretary of Labor finds that U.S. farmworkers are not available.

The bracero program has since its inception in 1951 been a very real solution to the so-called wetback problem which our Nation previously faced for many years.

When Mexican citizens come into our country illegally everyone suffers. The workers are not protected by law and are often exploited. U.S. employers become involved in illegal activities. Mexicans resent their treatment and carry that ill will back across the border to Mexico.

That, Mr. Chairman, is why the Ambassador of the Republic of Mexico on June 21, 1963, wrote to the State Department expressing concern over the possible termination of the bracero program.

The Mexican Ambassador's letter is reprinted at page 6 of House Report No. 722 and I would draw to your attention the following statement in the letter:

> The absence of an agreement would not end the problem, but would rather give rise to a defacto situation: the illegal introduction of Mexican workers into the United States.

In other words, wetbacks.

If I am not mistaken the number of wetbacks coming into this country has decreased each year since this program has been in effect.

In summary, Mr. Chairman, this bill which has the overwhelming support of the Committee on Agriculture will prevent a great deal of hardship to many people both in our country and in Mexico. It is very badly needed in many parts of our Nation. The Secretary of Labor has the legal authority and the responsibility under the present law to protect U.S. farmworkers. The bill is limited in that the law is only being extended for 1 year. The entire matter can again be reviewed next year. The benefits derived from the passage of the bill outweigh the objections, and hence I recommend that the bill be passed.

Mr. COOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I had not anticipated necessarily speaking at this time, but maybe it is just as well, because what should be said can be said in 2 minutes or less. There are some of us who have spoken here repeatedly on this floor pointing out time after time on a factual and statistical basis a complete rebuttal and refutation of every single bugaboo scare argument that has been heard this afternoon. Whether this is a 1-year extension, a 2-year extension, a 3-year extension is wholly and totally immaterial. The fact that in my State alone there are no standards whatsoever, the fact that we have native-born American Texans, white Caucasians, if you please, according to legal definitions, sir, who work shoulder to shoulder with the foreign imported worker who is guaranteed by law a minimum is enough to shock us into the realization that we have abdicated our trust to our own native migratory worker.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will not yield now. I have just 2 minutes. If I am given additional time later, I will be glad to yield to you.

I would like to say there has been no increase in consumer prices since a year ago or better when the Department announced that the minimum according to international agreement would be raised from 50 cents to 70 cents and the use of the bracero in Texas dropped 70 percent.

Let us look at this. This is the argument we have heard in Texas for 10 years, that if you did not get this labor, consumer prices would rise and crops would perish and rot in the fields. There has been a drop of 76 percent in the use of braceros in Texas alone in less than a year's time, when the minimum was increased from 50 to 70 cents.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

Mr. COOLEY. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. GONZALEZ. I yield to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Chairman, I would like to raise two points which were suggested by the gentleman's statement. I am sure he will agree that the American or the Caucasian, as the gentleman referred to him, working side by side with the imported laborer, did receive exactly the same wage, and there is no discrimination as between the two.

I think he will also agree with reference to a further point which he raised, that perhaps this 76-percent decline in the use of braceros is largely due to the introduction of the cotton harvesting machine and the consequent drop in the use of hand labor in the harvesting of cotton and also the recent heavy freeze in the State of Texas.

Mr. GONZALEZ. The gentleman from California is in complete and total error. I do not agree with him. I wholly and categorically and pointedly disagree. The use of mechanization is not the real reason for the dramatic drop of 76 percent in the use of the bracero. If you will look you will see that there are in the cotton fields where mechanization has been used extensively a lowering of this labor; but I am saying where you had a 13-percent unemployment rate in the domestic migratory section of Texas it is not wise to extend this law. It will be sinful to pass this bill.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BALDWIN].

Mr. BALDWIN. Mr. Chairman, I rise in support of this bill, H.R. 8195. In recent years about 1,300 Mexican braceros have been used during harvest season in a portion of my congressional district in California. The major crops involved are lettuce, which is the No. 1 crop in my district from the standpoint of value, asparagus, and tomatoes. Asparagus is a type of crop that is planted and then is harvested for several years in a row before it is replanted. So the farmer who plants this kind of crop, as well as strawberries that are abundant in certain other districts in our State, a crop that has a several-year cycle, plants the crop on the basis of his estimate of the availability of labor at the time that he plants it. And therefore if he is not able to harvest a second-year or a third-year crop from these plantings, after he has made the huge initial investment that is required to plant asparagus or strawberries, any chance of coming out even is completely impossible for him. That is why it seems to me it is important to extend this program for an additional year.

Most of the major arguments made against this bill actually are factually inaccurate. There have been arguments made that this program takes jobs away from American citizens. But actually Congress wrote into the law years back

that if any American citizen desires to make application to do the type of work involved, he must be given priority and the Secretary of Labor cannot even give a certificate to allow a Mexican bracero to come in under those circumstances. The argument that has been made that this program depresses wage rates is also not valid. Congress took this into consideration years ago and wrote into the law that before any bracero can be hired a certificate must be given by the Secretary of Labor that the bracero must be paid at least the prevailing wage in that area for the type of farmwork involved.

The argument has also been made that this program exploits the Mexican bracero, but this is not the case. On the contrary, this is a completely voluntary program on his part. He does not have to come. He has to volunteer for it. And they are so anxious to come that in some cases there have been braceros who have come to the recruiting stations and waited for as much as 2 months in the hope that they may be called, because if they are called, they are going to earn, per day, five times or more the earnings that they would find it possible to make in their particular areas of Mexico.

Mr. GATHINGS. Mr. Chairman, will the gentleman yield?

Mr. BALDWIN. I yield to the gentleman from Arkansas.

Mr. GATHINGS. The gentleman mentioned that these Mexicans are not exploited. Now, what would be the effect if there is no extension of Public Law 78? Would they not flock across the border in large numbers and, in that event, not only would they be exploited but our own domestic labor would be exploited as well?

Mr. BALDWIN. I think that is true. That was the situation that existed prior to the passage of the law that put this program into effect.

Mr. Chairman, one of the aspects of this program that I think should be given consideration is the fact that the type of farming involved here, which is primarily row crop vegetables and fruits, the basic crops involved are primarily nonsubsidized crops. These farmers are still willing to bear the entire risk.

Mr. Chairman, when they send their lettuce to market, if they miss the right day on that market, the price can drop by as much as 50 percent and their whole investment can be wiped out. However, they are willing to take that risk. There are still farmers in this country who are willing to ship their product into a market where they do not have any subsidized price in that market. Besides that, they pay for the labor which they hire.

Mr. Chairman, we have other types of crops in this country today that are subsidized extensively. Our taxpayers are paying over $1 billion a year in farm subsidies. Is it not better to give the farmer who is willing to risk the law of supply and demand in the marketplace, is it not better to give him an opportunity to harvest his crops so he can still function in the marketplace?

If this program is terminated suddenly, the California Farmer, which is the largest agricultural magazine published in that State, has estimated that the number of acres planted to tomatoes in our State would probably be cut by two-thirds next year.

Mr. HAYS. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and seven Members are present, a quorum.

Mr. COOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii [Mr. MATSUNAGA].

(Mr. MATSUNAGA asked and was given permission to revise and extend his remarks.)

Mr. MATSUNAGA. Mr. Chairman, what we are doing here today is what convinces many a Member of Congress that we have been in session much too long. What are we doing here today? We are debating over the same bill that we debated at length and defeated only 5 months ago in this very same session. The only difference is that while the earlier bill, H.R. 5497, provided for a 2-year extension of Public Law 78, the bill now before us, H.R. 8195, calls for a 1-year extension. Let us hope that after the bill is defeated today, its proponents will not come up with a new bill calling for a 6-month extension.

If we approve this bill today, we may be setting a precedent by which the task of this body will be made increasingly onerous. Proponents of measures defeated early in this session and future sessions will be encouraged to reintroduce the same measures in the same session and manage somehow to win favorable committee action to bring those bills back on the floor of the House. Then, where would we be? We would be debating and voting over the same issues over and over and getting nowhere. The people whom we serve would then have real cause to think lowly of the Members of Congress. For this reason, if not for any other, H.R. 8195 should be voted down.

But there is a bigger reason why the measure now under consideration ought to be defeated. It is the same reason that led many of us to vote against the same measure only 5 months ago. It was a sound reason then; it is a sound reason today. It is bigger than the question of economics, of keeping the price of fruits and vegetables down. It is the question of morals. And I ask you now as I asked you 5 months ago: It is morally right for us as the greatest nation on earth, enjoying the highest standard of living in modern civilization, to perpetuate a Federal law which not only permits but also assists the hiring of Mexican nationals at substandard wages by American citizen-employers?

Certainly, we do not expect any of our own citizens to work for less than a living wage. Yet we are being asked today to approve a bill which would continue in effect for another year a law which permits the hiring of Mexican workers for jobs in the United States for as little as 60 cents an hour, which is less than one-half the minimum wage determined by Congress.

Is it not significant that representatives of all three major religious faiths have testified against the continuation of Public Law 78? Clergymen of the Protestant, Catholic, and Jewish religions have joined in complaining vigorously about the Mexican farm labor importation program. Is it not noteworthy too that our churches have been the strongest critics of Public Law 78? In resolutions, in public statements, and in testimonies, they have gone to the extent of calling Public Law 78 immoral.

Labor unions, civic organizations, family farmer groups, consumer organizations, veterans organizations and others have opposed the extension of Public Law 78 because of the harm that it continues to inflict upon our own domestic farmworkers and family farmers. It appears that the only ones in favor of the continued importation of braceros are those who constitute the small percentage, less than 1 percent, of all farmer-employers who use them to their own economic advantage.

Lest I be misunderstood, let me say here quickly that I am not an advocate of putting these few growers out of business. I do believe that we ought not to assist them in perpetuating an immoral situation.

Let us once again prove that ours is a nation guided by morals. Let us defeat H.R. 8195.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. CHENOWETH].

(Mr. CHENOWETH asked and was given permission to revise and extend his remarks.)

Mr. CHENOWETH. Mr. Chairman, I rise in support of H.R. 8195, a bill extending the Mexican National Labor Act for 1 year.

Comment has been made as to why we are again considering this legislation. In May this House by a small margin defeated a bill extending this act for 2 years.

We now have this bill before us extending the act for 1 year. This bill is being considered today because the extension of this act is absolutely essential to the agricultural economy of certain States and areas, including the district which I represent in Colorado.

I have no quarrel with those who are against this legislation and who oppose this extension for different reasons. I have received letters and wires from citizens of my district who are opposed to this legislation, largely because they do not understand this program. I have tried as best I could to explain the necessity for continuing this program, and what it means to the farmers and processors of southern Colorado.

I would not be here today, Mr. Chairman, urging the extension of this law for 1 year unless I was convinced that this program is absolutely essential to the agricultural economy of my district, as I will confirm by reading certain wires I have received from farmers and canners in my district.

In the hearings held by the House Committee on Agriculture earlier this year Mr. Bernard Teets, executive director of the Colorado State Employment Service, appeared as a witness before the committee and stated without equi-

vocation that Mexican nationals were necessary in Colorado to harvest our crops. Mr. Teets has held his position for 25 years. I know of no one better qualified to speak for the State of Colorado than Mr. Teets. I challenge those who come to the floor today and endeavor to speak with authority on a situation about which they have no personal knowledge.

I hold in my hand a number of wires which I have received from farmers, canners, processors, and beet growers in my district in Colorado. I have the responsibility and the obligation to represent this group here today. I will not take the time to read all of them but I will read one or two, and place the others in the RECORD.

Here is a wire from Mr. Cover Mendenhall, of Rocky Ford, who is secretary of the Southern Colorado Beet Growers Association. He says:

Urgently request passage of H.R. 8195. Passage essential to entire agricultural economy of Arkansas Valley of Colorado. Production of vegetable crops and sugarbeets in this area cannot continue without adequate labor supply. Local labor and migratory labor totally inadequate to maintain present economy.

I submit that this wire should be conclusive as to why it is essential to extend this law.

I have two sugarbeet factories in my district. The production of sugarbeets is most important to the economy of our area.

Here is a wire from George Benscheidt, of the Western Canning Co., of La Junta, Colo. This company is engaged in canning tomatoes. The wire reads as follows:

Imperative that extension of Public Law 78 be passed. The predominate crops that we process are pickles and tomatoes which require hand labor to harvest. We employ over 400 in plant operation during the season and this would be drastically cut if insufficient number of fieldworkers are available. It would mean less cans, glass, cartons, sugar, spicing, etc., which would in turn cut down labor forces in these related industries. Letters in the past have explained our position on this in more detail so I will not reiterate. Please work for extension of Public Law 78 as I feel it is vital to the economy of southeastern Colorado.

Mr. Chairman, I will read one more wire which is from Mr. V. E. Hollar, Hollar & Co., Rocky Ford, which I think is of special significance. Mr. Hollar wires:

We are wholesale growers of melon seeds. We ship large quantities of seed to Mexico, Canada, Europe, and the Middle East. This has some value to the U.S. balance of trade. We grow 3,000 acres and require 100 braceros for stoop labor to harvest. We operate in Kansas, Colorado, and California. We have never been able to keep a crew of men other than braceros to do this work. We are rapidly expanding our export of seeds. We must have braceros to continue.

I am including the other wires in my remarks. All of them urge the extension of Public Law 78 as being essential to their operations. The wires follow:

LA JUNTA, COLO,
October 28, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

Understand that Public Law 78 will be voted on in near future. The need for ample fieldworkers for future farming of vegetables crop is vitally necessary. Domestic workers in area have been used in past and are lacking in number. Necessitating braceros to work onions, tomatoes, cucumbers and beets.

JOE DUNN.

ROCKY FORD, COLO.

LA JUNTA, COLO.,
October 28, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

Understand that Public Law 78 will be voted on in the near future. The appeal for ample fieldworkers for the future farming of vegetables crops is vitally necessary. Domestic workers in use in past are lacking in number. Necessitating braceros to work onions, beets and produce crops.

ROLAND LUSK.

LA JUNTA, COLO.,
October 29, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

It is imperative that extension of Public Law 78 be passed for the future farming of this area. Domestic labor has been insufficient in number of past years necessitating bracero labor for harvesting produce crops.

VERN CAMPBELL.

NEWDALE, COLO.

LA JUNTA, COLO.,
October 29, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

Have been informed that extension of Public Law 78 to be voted on in near future. The need for sufficient agricultural workers in this area is imperative for future farming of vegetable crops. All domestic workers used for several years and still insufficient in numbers and braceros brought in to work beets, tomatoes, cucumbers, and onions.

JAMES HANAGAN.

LAMAR, COLO.

LA JUNTA, COLO.,
October 29, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

The passing of extension Public Law 78 is necessary for the future of farming in the Arkansas Valley. All domestic labor is used and insufficient in number. Need for bracero labor is essential for ample harvesting of crops.

BOB BIELER.

NEWDALE, COLO.

ROCKY FORD, COLO.,
October 29, 1963.

J. EDGAR CHENOWETH,
Washington, D.C.:

DEAR MR. CHENOWETH: The use of Mexican national labor is of extreme importance. The labor situation becomes acute about September 1. Without the help of Mexican nationals many crops would go unharvested.

BURRELL SEEDS, INC.,
W. E. BURRELL,
Secretary and Treasurer.

ROCKY FORD, COLO.,
October 29, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

We are wholesale and retail vine seed producers and our growers employ approximately 400 braceros during their growing and harvest season. Without bracero laborers Colorado farmers would be unable to grow crops that require stoop labor as it has been tried and there is definitely not enough local help to even start fulfilling requirements.

WOODSIDE SEED GROWERS CO.,
W. F. WOODSIDE.

ROCKY FORD, COLO.,
October 29, 1963.

Hon. EDGAR CHENOWETH,
House of Representatives,
Washington, D.C.:

Extensions of the bracero program vitally necessary in the continued operation of our business we urge operation of a 1-year extension.

ARK VALLEY SEED,
BOB APPLEMAN.

LA JUNTA, COLO.,
October 29, 1963.

Hon. J. EDGAR CHENOWETH,
Washington, D.C.:

In reference to extension of Public Law 78 that will be voted on October 31, 1963, the necessity for bracero labor in this area is imperative. All domestic labor is used and has been insufficient in number past years.

BYRON HANAGAN.

SWINK, COLO.

ROCKY FORD, COLO.,
October 31, 1963.

J. EDGAR CHENOWETH,
Member of Congress,
Washington, D.C.:

Will be forced to discontinue all vegetable growing and convert to grain crops if Mexican nationals are disallowed.

HOLLAR & CO.,
RICHARD GRAY.

CROWLEY, COLO.

LAMAR, COLO.,
October 31, 1963.

Representative J. EDGAR CHENOWETH,
House of Representatives,
Washington, D.C.:

Recommend passage of bill H.R. 8195.

LAMAR CHAMBER OF COMMERCE,
Agricultural Committee.

Mr. Chairman, I urge the passage of this bill without amendment.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. LEGGETT].

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, my fine colleague from Hawaii has talked about this tremendous immoral imported labor program we have in California and some of the other States. I would like to ask him, without getting an answer, how many people you would have in Honolulu today if you had not imported your labor there to harvest your pineapples and sugar years ago. You have that situation. We are trying to get 30,000 Mexicans to come into the United States under Public Law 414 every year. Maybe we will eventually have enough people in the United States to handle our own crops, but at the present time we do not.

A point has been made that something is askew because we are arguing the same issue twice during the same session. I merely ask the gentleman from Honolulu if that is so and if this was civil rights that was defeated during the first part of this session, I am sure he would be right up here with the rest of us trying to get the matter heard again. This is an important issue.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman for a question.

Mr. ROSENTHAL. It is now about 90 years that California has had foreign

imported labor. When do you think the time will come when you really do not need to import any labor? You had the Chinese and the Japanese, you had the Mexicans and maybe you will have surplus Russians next—I do not know. But when do you think you will reach the point that you will not need imported labor?

Mr. LEGGETT. That is an excellent question. I see the gentleman from New York [Mr. ROSENTHAL] has been reading some of my material.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. If the gentleman cares to answer the question, I yield to the gentleman.

Mr. MOSS. I will say to the gentleman, when I think there is a reasonable prospect of being able to recruit not at levels below the minimum imposed by Federal law, but at levels above the minimum imposed by Federal law—when that day arrives, and we all hope it is soon, we will not request extension of this law or any other law designed to give us a supplemental labor supply.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. Before I yield for any further question, I would like to provide my answer to the gentleman's question. You ask, When will you get enough labor to solve this question? I would like to point out in the September 30 insertion of mine in the CONGRESSIONAL RECORD, we show in California in September, we were utilizing 54,000 bracero laborers as opposed to 72,000 in September of last year. I think this shows we are trying to make a concerted cooperative effort in our State to try to abide by the will of the President and the will of the Congress to curtail this labor source.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield for a question?

Mr. LEGGETT. Let me get into the body of what I want to say first, please.

I would like to say I have heard my colleague, the gentleman from California [Mr. ROOSEVELT] talk about an amendment to limit the use of bracero labor to existing users, and I understand it is agreeable with Mr. ROOSEVELT that this amendment be limited to people who have used bracero labor in the past. With that understanding, I am going to offer an amendment to his amendment and I am going to support that amendment. Perhaps, we will not be unanimous with respect to it, but at least that is my feeling and at least that is what I am going to do.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman.

Mr. HAYS. Would you mind telling us what your amendment is or are you going to limit this club that uses this slave labor to the ones who are using it now?

Mr. LEGGETT. I do not think this debate should take on the facade again of bad guys versus good guys. For my part, I have always supported liberal efforts for collective bargaining and minimum wage and guaranteed annual wage. For those who think they are more liberal than I am, I will ask you how many of you have voted for an agriculture bill in your State providing $70 a week disability insurance for agricultural workers. We have done it in my State. We have that bill which is existing law in the State of California today.

Mr. HAYS. Does that apply to Mexicans, too?

Mr. LEGGETT. It applies to anybody who comes in. We have workmen's compensation, we provide transportation. We also provide housing. That is part of the Federal regulations.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to my good friend, the gentleman from Hawaii.

Mr. MATSUNAGA. Since the question was addressed to me earlier, Mr. Chairman: "Where would Hawaii be if labor had not been imported?" I would like to answer that question by saying that we do not now import and have never imported braceros to do our farm labor and we are not paying slave-labor wages of 60 cents an hour. We are paying in the State of Hawaii $2 an hour to fieldworkers and have the highest agricultural economy today in the entire United States. Our agricultural workers are permanent residents who have become naturalized citizens or are eligible to become citizens.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOLEY. Mr. Chairman, I yield the gentleman 3 additional minutes.

Mr. LEGGETT. I would merely point out to my colleague from Honolulu this. He talked about 60 cents an hour. If you read pages 19406 and 19407 of the CONGRESSIONAL RECORD, the insertion I placed in it in the last 10 days, which is the report provided to my office by the Department of Labor on the wages which were paid in the bracero program this year and last year, you will find that there is no wage listed in that categorization provided by the Department less than 82 cents an hour. If you can provide me with figures on that 60 cents an hour, I would like to see them, but they are just not available.

There is just one further thing I want to bring out. I would like to read portions of two letters which were sent to my office which I think are extremely significant. The first letter, of course, comes from a grower in my district who is a small family grower, who anticipated some of the arguments here today and stated this:

DAVIS, CALIF.,
October 28, 1963.

HON. ROBERT L. LEGGETT,
House of Representatives,
Washington, D.C.

DEAR MR. LEGGETT: In the light of an interview you recently gave my son David, and his sister, Mrs. Nordstrom, and your interest in David's 2 years of work with Friends Society in Mexico in two small villages, plus your request of a letter from him in relation to bracero program Public Law 78, I feel encouraged to add my own thoughts for your consideration.

Permit me to give a brief sketch of my personal farming history. One hundred and sixty acres just over Yolo County line in Solano County was inherited from my great-grandmother. My wife and I struggled for years to purchase 80 acres more. Now with rented land we farm 400 acres.

To insure good yields we spend more in weed control, fertilizer, etc., than most, but though we harvest good crops our annual net taxable income is less than the average urban worker.

This year I am 57. Have never done anything but farm. At first with my father with livestock. Very hard years. And it has been tough going to put a son and daughter through collrege with another son partly through. Had we continued the old way of farming with livestock it could not have been done in this area.

This bit of family history seems necessary to acquaint you with facts of my experience from living it on this strictly family farm, family managed.

About 20 years ago we started learning diversification, raising a number of row and field crops instead of livestock. Our specialty today is high-risk tomatoes, followed by expensive but somewhat lower risk sugarbeets, then for rotation the lower income crops of grain sorghum and barley.

Our experience shows tomatoes, with careful planning, pay a little better than other crops, but due to the risk factors of pests, water shortage, real harvest threats in weather, uncertainty of and high costs of labor, I have never felt safe to raise large acreages of tomatoes. Keeping acres under 100 purposely.

In these 20 years with tomatoes in wartime and peace, I have depended on many classes of help for harvesting before the braceros were available. Some of these experiences were unsatisfactory and almost disastrous and included high school students on weekends with teachers for supervisors, the first "Okies" to California, an all colored crew, California Indians recruited through their so-called chief, and Filipinos, and the men our department of employment insists we have to put to work, qualified or not, the "winos."

Finally we qualified for use of braceros and have grown to place them at top for work performance and dependability. But not from any wage advantage, let me stress this please. This program is costly to us and we have so many curbs and rules and interpretations connected with use of braceros that it is really difficult to use them for fear of making a misstep in some direction. And while braceros have a contract with us growers to protect them, no grower has a contract hold on braceros. So they can and do go home when the mood strikes them, when the cream has been skimmed off, or the weather doesn't suit, or picking gets difficult. Yet they are the best, most dependable help we have ever had.

The program is often termed "slave labor." People who complain and use that label are ill advised, uninformed, unwilling to accept truth of farmer problems. Yet these same people can swallow the hook, line, and sinker of groups, apparently better organized and more vocal than farm groups, who are trying to defeat the program and insist they carry a strong political weapon of votes.

We farmers recognize this powerful force, and are aware of the implications. So we greatly admire and deeply thank you and other Congressmen who are aware and trying to do this job of saving large parts of our farm economy by preserving our ability to harvest. Regardless of party differences we salute those of you who have this integrity to stand up and be heard and cast your ballot "for."

It is said by this opposition this is "slave labor." This really hurts. For we follow a scale of pay for tomato harvest which receives careful study each year. Under it the price is determined at the end of each day's work when pickers cards are totaled;

how many boxes, how many claims picked, how many hours worked in the day for each man. This then determines the rate for this day using the approved scale. Under it all men make $1 per hour or more. Our men who act as loaders and pick a few boxes between loads make $20 to $22 per day.

Most days were 8-hour days and fairly agile men made from $1.35 to $1.75 per hour. Two or three of my men this year were slow but careful workers and did not make $1 per hour. These men on payday received "make up" pay to bring their wage up to the $1 figure.

Our payroll reports are on file in our association office subject to inspection of compliance officer at any time.

And the camp manager must furnish his grocery bills to prove he purchased the quantity and quality of approved food required for the number of men fed.

If the Mexican workers are not permitted to enter here in the future many growers including myself must make a personal decision. Shall I grow the same acres any longer? Positively not. Will I try to squeeze by with possibly a quarter of my usual? I think not. Sure the price of tomatoes will rise but only as far as economics of the processors permit considering freight cost to compete with Eastern States. No, I think I would have to be a "has-been tomato grower".

Then the money we spend for labor will not be forthcoming so what makes these so-called experts think that the same money will pour into pockets of unemployed people here. The unemployed people here I know from past experience are not about to come to the farms to pick tomatoes. And I must not place myself in the vulnerable position of having to depend on them. I would have to be finished as a tomato grower. As a beet-grower I need workers qualified and willing to work. Without Mexicans my beet production will go downhill fast.

Our ground requires much handwork. A small percentage of the high school boys tried this year stuck it out. With "winos" we are helpless. It must be remembered we have to stay solvent. Maybe not make any money but we have to pay for equipment and stay on credit with our banks. This opposing legislation will cure no problems but will create many more as I divert these acres to other crops in surplus now.

Thank you, Mr. LEGGETT, if you could read this far.

Yours truly,

WILLIS E. HANSEN.

Mr. Chairman, I do not think it is immoral or anything we have to be ashamed of in any way, shape, or form. It means we have two different kinds of agricultural workers and industrial workers in the United States.

I have one further point I would like to make and would like to call this to the attention of my colleague from Ohio, who I know is quite an internationalist. It comes from a young friend of mine who I did not really know was a friend of mine. He was with the Quaker Friends Service Society. All of you have had literature from the Quaker Friends Service Society, and I am not part of that group, but they are extremely liberal. I received a commendation from them last week on another matter. They have a doctrinaire position against this bill, but this letter is from a boy who worked for the Quaker Society in Mexico for 2 years, I think, and he states:

I have personally seen the good influence of the bracero program in Mexico. I have seen many checks from the United States cashed in small Mexican banks. I have spoken to the women cashing these checks. Invariably the money has been sent home by sons or husbands working in the United States as braceros.

One of my best young Mexican friends spent about 2 months as a bracero this year. He returned home with $600 over and above all expenses. To some people, this may seem like a small amount. They do not know that a Mexican doing comparable work in Mexico receives about 80 cents a day. A large family is often supported on this daily 80 cents. This is seasonal work. Some of this 80 cents must be saved to tide the family over when work is not available. Think of the influence $500 can have on such a family—and, for only 2 months work.

During my travels through Mexico, often through small, isolated rural villages, I have consistently seen young men who have been braceros, and who stand out from other villagers. They often have new houses, new furniture, radios, better clothes. Some of these products have been purchased in the United States.

There is a much greater influence than the money the braceros return with. It is more subtle, but more lasting. Many of these young men will be leaders in their villages. They are also farmers. They have received an education during their stay in the United States. They have seen firsthand the accomplishments of our farmers. They have learned new practices, many of which they can apply to their own farming operations. They can gain a new perspective; a hope. How does one break away from the traditional way of farming? Son follows father, generation after generation. Little improvement is made, while soils deplete and people get hungrier. The small changes these leaders make can break this circle. Others will follow the example. Hope and confidence can dispel the belief that all farming is a matter of fate. Man can have control over his crops.

DAVID HANSON.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOEVEN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I think that most of us agree that this is probably a phaseout program, at least the people who have contacted me from our State of Michigan I believe are beginning to understand that it is a phaseout program.

Up in Michigan we use Mexican labor now only in the pickle industry, in harvesting cucumbers. The people in that industry and the farmers who raise cucumbers have asked me to support this measure because they are at least a year away from any kind of a mechanical harvesting device which is practical. As a matter of fact, they know from experience that they cannot get domestic manpower, either migrant or local, to harvest pickles. It is stoop labor and they cannot induce the people to go out and do that kind of work. They are in the process of developing a machine and in the process of developing a variety of cucumber which will be uniform in its growth so that you can have a uniform size of the plant, and so on.

So, with that in mind, I urge you to support this 1-year extension. I think that the people up in that part of the country realize that very decisively after the way the measure was defeated in May, they cannot depend upon this importation of labor as any kind of a permanent proposition. But to be cut off without any extension at all will be definitely unfair to them.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. LATTA].

(Mr. LATTA asked and was given permission to revise and extend his remarks.)

Mr. LATTA. Mr. Chairman, I think it is well for us to take a look at the report of the committee to ascertain how many workers we are talking about. You would think the number would amount to a couple of million. Actually only 194,978 Mexican braceros were imported in 1962. That is a very small number considering the working force in the United States.

In 1962, only 6 States out of the 50 used more than 10,000 bracero workers; Arizona, Arkansas, California, Colorado, Michigan, and Texas used more than 10,000 workers. Only 21 States out of the 50 contracted for braceros in any number. I think it is well for us to keep this in mind.

We have heard arguments that this program has a tremendous impact on the working force of this country. I think it is well to turn to page 6 of the report and specifically to the letter from the Ambassador of Mexico and to his statement that reads:

Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.

Some people may wonder why we are concerned in Ohio about this bill since we do not contract for any bracero laborers. We raise tomatoes and sugarbeets in Ohio. The harvesting of these two crops require stoop labor.

You cannot get domestic labor to do this type work. You can go to the unemployment office and register for so many workers and just pray that you get them. They are not available.

So, how do we get them? Our farmers contract for Texas Mexicans—American citizens, if you please, and bring them into our area to do this stoop labor.

So, Mr. Chairman, we have to import them, but not across the border. However, we realize that there are only a given number of these workers available. Should this bracero program be defeated, our source of this type labor would be exhausted. Our crops would not be harvested for want of this necessary labor.

Mr. Chairman, I think it is important that we view this objectively and look at the overall picture, particularly in these States like Ohio that are not contracting for braceros and have not contracted for them in the past.

Mr. Chairman, this is a problem which affects every State employing stoop labor. It is just not the problem of these 21 States contracting for bracero labor.

A great number of people have been turned against this program by reason

of the showing of a TV film a couple of years ago which showed migrant workers and their families in great distress.

Mr. Chairman, the people pictured in this TV film were not bracero. They were unregulated migrants. Braceros are only adult males. Their families cannot accompany them. These braceros are given proper housing, transportation, and so forth. So, these people who have been writing you and who have been writing me are usually writing about problems not involved in the bracero program. In fact, in most cases, they are totally unfamiliar with the bracero program.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. QUIE].

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, I believe that the bracero program ought to come to a halt. But I think that the farmers in many parts of the country are dependent on them, and it ought to be done in an orderly way. These extensions of the program are not a very good way of doing it.

Mr. Chairman, I surely would have preferred if a bill could have been brought out here onto the floor of the House for an orderly time of removing and terminating the bracero program. But as we have it before us today, this is merely a 1-year extension. I plan to vote for this 1-year extension and that is the end of my support for this program.

Mr. Chairman, I hope that the people will realize that the statement of the gentleman from California [Mr. SISK] earlier when the debate was opened up on this bill, that this is the end, that they ought to get their house in order and make arrangements to secure adequate domestic labor, will be taken to heart. If this bill passes, and I hope it will, this is the assurance that they should have, that many of us feel that this program ought to come to a halt. I accept the statement of the gentleman from California when he says this is the end of this program.

I understand in talking to people who have these crops produced in their areas that use bracero labor, some of these crops come into harvest such as lettuce prior to the school year closing in June, so they are unable to hire high school students and find adequate labor.

As I say, also, the Secretary of Labor ought to make certain that there is no domestic labor available before the braceros are permitted on the farms.

That is why I hope that the amendment which I understand the gentleman from California [Mr. ROOSEVELT] is going to offer will prevail. I think this buttons it right down to a 1-year program and provides the assurances that need to be made.

This adds to the assurances in the law that domestic workers will have the opportunity to work. Thus braceros could not be hired unless the Secretary of Labor certifies that no other domestic help is available.

It should also be stipulated that if braceros are already hired and then domestic help becomes available, that the braceros should then stand by and not be put to work unless a further shortage of domestic workers occurs.

I feel that this is what we should do in order to protect American migratory labor.

I might point out some growers who need to secure domestic workers from Texas and places like that who are displaced by bracero labor will be affected, but it seems to me that is an adjustment that needs to go on in this country so that the people who are available can find a job with adequate pay and adequate benefits given to American workers. I think after this year Public Law 78 should come to a halt. I will support this bill at this time, though not in the future.

We need a phasing out of bracero labor, which was only developed in the first place as a war emergency measure. There have been many extensions. Some weeks ago we had a 2-year extension offered and the House turned it down—I voted against it. Now we have this 1-year extension. Before every extension, we have been told it is only to allow the growers time to adjust to hiring domestic labor. They have never done it, but just come back and ask for another extension.

I support this 1-year extension, but if it is not the last one proposed, I can tell you right now I will not support the next one.

Mr. PURCELL. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman, I represent a congressional district which I think has the longest boundary between the United States and Mexico of perhaps any other Member of this House. I have many growers in my district who have used bracero labor over the years the program has been in operation. I have great sympathy and great concern about the treatment of the American migrant labor families in this country, and I think the time has come when we have to do something about their welfare too.

Last May 29 a bill came to this floor of which I was the author to extend this program for 2 years. I said on behalf of that bill at that time that I felt somewhat like the old wornout story of the witness in court who was asked how he felt when he saw his mother-in-law drive his brandnew, uninsured Cadillac off the cliff. He replied, "I had mixed emotions."

That is the way I felt then about the 2-year extension, and I must confess I have mixed emotions about this legislation today. But I am supporting this bill, I am supporting the extension, and I am urging my friends in the House to support the extension because a defeat of this bill in an effort to do justice to the migrant workers of America would do a great injustice to the farmers, the decent, honorable, hard-working farmers of this country who have built up their farms relying in part on this program. These people simply have no way of getting the labor they need to get their crops out and take them to market.

I do not think you accomplish anything, for the migrant workers of America, and I say this sincerely to my friends, by taking a whack at the farmers of America in voting down and defeating this bill. I think an extension is the rational way to do it at this late time in the year, particularly. It would be extremely unfair, it would be an extreme burden on those who are counting on this act. Some crops are being planted now, some will be planted in the next 60 to 90 days in my area; the crops will be harvested next year. These people are dependent on this kind of labor.

The fact of the matter is we have not been able to get domestic labor. It just is not there. Under this bill the farmer does not sit in his air-conditioned home and phone up to say "Send me 2 gross of Mexican farmworkers." He has to prove that American workers are not available, he has to prove he will pay wages that will not depress the standard of wages in that particular community. This program is administered by the Department of Labor. The migrant workers of America have no better friends than the present Secretary of Labor and his predecessor, both of whom were concerned about this matter. They have always been sympathetic to the farmers. The farmers have even complained about the restrictive way the Labor Department has administered this program. So I think we can with logic and fairness and justice to all concerned extend this program for another year.

I say in all frankness, whether you are going to see me down here in this well during coming years arguing for this program, is something I want to leave in abeyance, but I do think it would be unfair not to extend it this 1 year.

You who oppose this bill think you are going to right a great wrong by defeating it today. You are not going to put shoes on the children of the migrant workers, you are not going to raise the standard of living of the migrant workers, you are not going to improve their working conditions, if you defeat this bill. But, if you cut off the supply of labor by a meat-ax termination, you will not give the farmers time to line up a program to get American workers or machines to do these jobs. What you will do is put out of work a lot of people in the transportation and processing industries who now have jobs that depend on the harvesting of these crops.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES of Arizona. Mr. Chairman, lest anybody think this an Arizona week, let me assure you there will be Members from other States who will speak. It is a pleasure to follow my colleague from Arizona and to expand on the story he has so ably told the House.

In Arizona we use about 16,000 braceros a year. We are down somewhat from the number which we formerly used

because we do not use braceros to pick cotton anymore. In fact, about 90 percent of the picking of cotton is now mechanized. Mainly we use them to grow vegetables.

These people do what we call stoop labor in the fields. It is not easy to get that type of labor. There has to be a shortage demonstrated before Mexican laborers can be brought in. It is easy to demonstrate it because the shortage is bona fide and chronic.

However, this I suppose could best be called a horse-and-rabbit bill, because a lot of people here are trying to compare horses and rabbits when they speak of the legislation. We have had people on both sides of the aisle talk about the evils that beset migratory labor, the things that happen to people that are in migratory labor. I deplore the status of certain people who are migratory laborers in certain areas of the country as much as anybody does, but when I recall the state of migratory labor in Arizona prior to the adoption of the bracero legislation I wonder if a lot of people should not give credit to this legislation instead of castigating it. In other words, the migratory worker in practically all the areas which use braceros is better off today. He makes more money, he has better living conditions, his family is living better. Why is this? Because, in order to get the bracero the grower must offer certain conditions, not only wages but working and living conditions, to the domestic worker. If he did not, he could not get the bracero. This has been a program which has been good for the domestic worker as it has been good for the bracero.

We have heard it said on the floor of the House that if you go to a Mexican village and see a television aerial you can be pretty sure a former bracero lives there. This has brought prosperity to the Mexican worker.

I am not going to tell you that I think this will be adopted another year. I hope it will be adopted this year, but I imagine, knowing the temper of the House as I do, that this will probably be the last year for this bill, and that this program will die for awhile. But somebody is going to grow vegetables. The people in the districts of many of you sitting here who are fighting this legislation want the lettuce, the carrots, and the other vegetables that are grown in California, Arizona, and many of the other States which use bracero labor.

What is going to happen? Well, two things are going to happen. In the first place, naturally, the grower who wants to stay in business is going to offer a higher wage for domestics. I think this will be the first effect. Even then, the grower probably still will not be able to get the domestics, so a lot of them will go out of business. But if the grower does keep more and more for workers and if he is able to get domestic workers to come to work to do the stoop labor, then the price of his product will go up and some of you gentlemen who are doing your best to defeat this bill will find the consumers who live in your district will be paying a lot more for their produce in the near future than they are paying right now. But the law of supply and demand will step in, gentlemen, and before long the people who are living in your districts here in the East will not pay the price they have to pay for Western produce. What will happen? Will they be without this produce? No, they will not be without it because it will be grown and sold at a price your people will pay—where? It will be grown in Western Mexico. Many of the same people who are working in the United States now as braceros making $1 an hour or more, will then be harvesting the same type of produce in Western Mexico. How much will they be getting? They will not be getting a dollar an hour. They will be getting 80 cents a day, the going wage for agricultural labor in Mexico. So who will lose? The bracero will lose and your consumers in your own districts will lose in the end.

Another loser will be the United States. Much of the income derived by American growers from the sale of produce will be transferred to Mexico, lands now profitably tilled—supporting small towns, small businesses and people, both American and Mexican—providing superior quality produce to the cities of the East—will be hollow and deserted. This is because the law of supply and demand is inexorable.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. ROGERS].

(Mr. ROGERS of Texas asked and was given permission to revise and extend his remarks.)

Mr. ROGERS of Texas. Mr. Chairman, I rise in support of the pending legislation because I represent a district that depends a great deal upon this source of labor.

I cannot urge too strongly that in the interests of the agricultural economy of sizable areas of this country the Mexican farm labor program must be extended.

Many of our colleagues will, during debate, discuss the general situation regarding this program. Most arguments on both sides are familiar ones; the facts and figures are available for all to see.

But I would like to stress one matter that is usually overlooked when the bracero program is discussed, and relate it only to the situation in my district, the 28-county area of the Panhandle of Texas.

Without braceros to assist in the harvest of cotton and vegetable crops, panhandle farmers would be faced with two alternatives: They could employ the illegal immigrants, known by the unpleasantly derogatory term "wetbacks," who are sure to flood into Texas by the thousands; or, they could simply leave the crops to rot in the fields.

There are no other alternatives for many of these farmers, for whom the cost of purchasing mechanical harvesting equipment would be prohibitive.

The fact is this: There is simply no domestic labor supply available to take up the slack.

I realize that this is a statement that many of our colleagues from more populous areas find difficult to understand.

Our area of the West is vast and sparsely populated. My 28-county district—with a population of approximately 400,000 persons—covers an area five-sixths the size of the entire State of Indiana. The largest city in my district, Amarillo, has a population of about 160,000 persons. No other city in the district has a population of more than 30,000. Hundreds of miles separate the Panhandle of Texas from any large population center that might be expected to supply a reserve of seasonal labor.

I ask that my colleagues from areas of concentrated large populations consider the difficulties that thus confront farmers in the Texas Panhandle who need help—and lots of it—at harvesttime.

Everyone would much prefer to employ U.S. citizens at harvesttime and any other time. But they are just not available. Employing seasonal workers under the Mexican farm labor program is not inexpensive; as you know, there are large costs piled atop the wages paid to the workers.

I emphasize to you that the Mexican farm labor program must be extended if the needed supply of seasonal labor is to be available to this large area of our country.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. KYL].

(Mr. KYL asked and was given permission to revise and extend his remarks.)

Mr. KYL. Mr. Chairman, one of the delights of air travel is the fact that the plane lifts us from the sidewalk, from the restricted view and the cluttered details, to a vantage point from which we can get a broader vista and see the true relationship of larger things. Similarly, when I see all of the details and conflicting views on this bracero program, I find myself continuously turning to a broader view.

I like to think of this as a matter of principle. I will readily admit it is predicated on pride; not on a personal pride but I think a pride in being an American. The overview which compels me is this: In this great Nation with its power, with its wealth, with its ingenuity, with its ambition, I find it impossible to believe that we have to import anybody to do any job. If such importation is indeed needed, it has to be for one of two reasons: Either because we lack the talent to do a particular job or because like Gibbons' Rome we have grown decadent, fat, flabby, lazy; and I hate to think that this latter is a matter of fact.

Oh, yes, I know it has been said many times that it is absolutely impossible to find domestic laborers to do this job. Now, if this so-called stoop labor is an occupation which is unfit for human beings, there is no more humanity or no more justification for using foreign human beings than American human beings. If, on the other hand, this is healthful work, decent work, work which is good for human beings, then we should not have to turn to some foreign nation to get this labor.

We have heard today that even the unemployed American does not want to do this job. One gentleman from the

great golden State said "perhaps we have painted ourselves into a corner." And indeed they have. He describes a system of unemployment compensation in which a family can get as much as $1,000 a month for not working. I do not propose to rescue those people who have prepared a silly program which enables an individual to retire on unemployment benefits rather than to seek honest labor to win the bread for their tables. This they have done. Neither the bracero program nor any other such program can ever be used as a justification to an extension of bad sense such as we find here.

Then we come to this other fact: We are phasing out this program. I would submit to you that in actual fact we have made more progress in phasing out prayer in the last 3 or 4 years than we have in phasing out the bracero program. Twice I went along myself with this bill because it was said, and I was assured, that we are phasing out this program. This is the last year. Today we have people on both sides of the aisle saying, "Now, do not count on that. Next year we will take another look." Another individual says, "We plant strawberries, or asparagus, or something and have a 3-year crop." Next year, of course, we will be told the farmer is in the second year of this production and we need another year in which to phase out this program. If this program is wrong, extending the abuse to the next year cannot salve anyone's conscience. This temporary extension is a tired song and it has been played far too often here on the floor. Indeed, in these marble halls I think the word "temporary" has replaced Methuselah as the symbol of longevity, whether it be temporary taxes or temporary work programs or temporary anything else.

I do not enjoy opposing individuals with whom I usually vote, people who are my good friends and associates. I think in my heart this is a bad bill, and I think it should be defeated.

I yield back the balance of my time.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Chairman, I rise in support of this legislation. I would like to make a few comments, as chairman of our Family Farm Subcommittee on the House Committee on Agriculture. As has been emphasized by previous speakers, to do away with this program would have a particularly adverse effect on the family farm. In September of 1962 there were 8,332,000 total farm laborers. Of this number there were 228,000 domestic migrant workers and 106,000 Mexican nationals.

A family farm, Mr. Chairman, if you want to take a rule-of-thumb definition, is considered a farm that is big enough for a farmer and his family to make a living on and yet is not so big that the farmer and his family cannot provide over 50 percent of the labor at all times, except at harvest time. When harvest time comes labor is essential.

The family-size farm has handicaps because of the availability of labor. Where are you going to get labor immediately so your perishable crop will not be destroyed? The family farmer is handicapped because of unemployment insurance programs. And I suppose nearly all of us in the Chamber have voted for unemployment insurance programs. But can you imagine the difficulty of getting a man to stoop to pick strawberries for $20 or $30 a day when he and his wife, according to the gentleman from California [Mr. LEGGETT], may be eligible to draw $1,000 a month in unemployment insurance?

It is a terrible matter, Mr. Chairman, that confronts the family farmer of America if, when he has available labor, properly certified by the Secretary of Labor, willing to work and the farmer is willing to pay him, to refuse him the privilege of obtaining that necessary labor.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. MATTHEWS. I am delighted to yield to my very dear friend from Ohio, Mr. HAYS.

Mr. HAYS. Mr. Chairman, I just wonder if there was any bracero labor involved in these boiled peanuts that the gentleman peddles around here once in awhile.

Mr. MATTHEWS. I will say to my dear friend that I am glad to report that there is no bracero labor involved in that.

Mr. HAYS. These two bills are not related in any way?

Mr. MATTHEWS. Absolutely not. And I want to thank my dear friend for his support of that legislation that we passed in the early part of the session. Mr. Chairman, I hope H.R. 8915 is passed because it is helpful to the family farms of America.

Mr. COOLEY. Mr. Chairman, I yield such time as he may require to the gentleman from Arkansas [Mr. GATHINGS].

(Mr. GATHINGS asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. GATHINGS. Mr. Chairman, Public Law 78, the Mexican labor law, is most beneficial to the small farmer and operator who is not in a position to pay the high cost for machinery in the cultivation and the harvest of his crops. A larger operator may be in a position to purchase costly implements, obviating the necessity of hand labor being used to do the work. Great numbers of small farmers operate solely by and through the work of themselves and their immediate families. They do, however, require assistance from some source at peak periods of the year during the time that they are weeding their crops or actually engaged in the harvest.

A letter came to me recently from Mr. Robert Ball of the Monette Growers Association, which reads as follows:

Mr. TOOK GATHINGS:

SIR: I am writing you in regards to the Mexican labor program. We of the Monette Growers Association are a group of small farmers. We do not have the money to experiment with chemicals, also machinery is expensive and the small farmer cannot compete with the larger farmer in this respect.

Mexico is our next door neighbor and communism is scattered over the world. Our relations have been good with Mexico and we want to keep it that way. As you know the labor program is a great help in keeping our relations on a friendly basis. We are interested in keeping the program alive.

Yours truly,

MONETTE GROWERS ASSOCIATION,
ROBERT BALL.

Mr. Ball not only wrote in behalf of the small farmer for the need of supplemental labor for certain periods of the year, but he emphasized the importance of the extension of Public Law 78 in behalf of amiable relations with our neighbor to the south, the Republic of Mexico. The Monette Growers Association feels that it is most essential that a program that has meant so much to the small farmer, the consumer, and the Nation itself, should not be abruptly terminated as it also has aided almost 200,000—which was the number that worked in the United States last year—bracero workers and their families and the communities from which they come.

Mr. HOEVEN. Mr. Chairman, I yield 6 minutes to the gentleman from Michigan [Mr. FORD].

(Mr. FORD asked and was given permission to revise and extend his remarks.)

Mr. FORD. Mr. Chairman, at times the impression is created that this legislation is almost exclusively for the benefit of States such as California, Texas, Arkansas, Arizona, and the like. However, let me assure the members of the Committee that this is not an accurate interpretation of the benefits that will accrue from the enactment of this legislation.

Mr. Chairman, the State of Michigan to a substantial degree is a very highly industrial State but it does use in large numbers braceros and has done so for a number of years. The reason is very simple. The kind of crops that we grow in a number of areas in Michigan such as cucumbers are the kind that need labor that will do these difficult jobs. The crops are, for example, cucumbers, sugarbeets, and certain varieties of fruit.

I do not know how many who object to this legislation have ever seen a cucumber crop being harvested and have seen the hard labor and the difficult labor that is required to see that this important crop is picked for the consumer. But let me give you an example of how in Michigan we are trying to get away from the program. For example, in August of this year in a seven-county area, which includes the two counties that I represent, there were 10,300 domestic farm laborers on the job and there were 2,300 braceros. By October 15 of this year in the same seven-county area, the number of braceros had dropped to a total of 70; whereas, there were 4,700 U.S. or domestic farm laborers working in the harvesting of the crops. In other words, even at the height of the season the braceros constitute only a relatively small percent of the total farm employees used in these crops in this part of the country.

Now, Mr. Chairman, even though we are seeking to get more and more domestics and less and less braceros on the short-haul as well as the long-haul basis, I think over the years you will find, and very shortly, that through mecha-

nization we in Michigan will need only a very limited number of braceros.

It was my experience a year ago to see how mechanization is taking over in blueberry through the shaker method. They tell me that in the picking of cucumbers within a year to a year and a half they will have a mechanized method of picking this crop, which today is exclusively picked by stoop labor. So, through automation and mechanization we are going to solve the stoop labor problem. However, if we do not permit this program to continue for another year, we are not going to have this crop and undoubtedly others available for the consumers.

Now, Mr. Chairman, some people say, "Well, we can get domestic labor." Let me assure the members of the committee that even in 1958 when in our area we had a 14- to 15-percent unemployment you could not get domestic labor to go out and work in the cucumber fields. It was impossible. This year and last year, and we hope next year, we are going to have a good year in the automotive industry. Today, unemployment is about 4 to 5 percent or less in our area of Michigan. It is just impossible under those economic circumstances to get the necessary domestic labor to harvest these crops. The net result is if we do not have this legislation for at least another year, you will not harvest these crops. Furthermore, we will have a very adverse impact on employment in the industry that produces the cucumbers.

Mr. Chairman, how significant is this? How significant? Well, in Holland, Mich., in the congressional district which I have the honor to represent, we have the largest pickle factory in the world. They produce more pickles at this plant than at any other plant in the world. If we cannot grow and harvest cucumbers—and harvesting includes the obtaining of labor in the field—this relatively new plant which has been doubled or tripled in capacity in the last few years will not employ workers in this community, a city of 18,000.

The investment by the owners will be wiped out, the jobs of the people who work in the plant, anywhere from 500 to 1,000, will not exist.

When you bear in mind the overall picture from the point of view of the consumer, the point of view of the people who are working in the processing plants, the point of view of the farmers or producers and the domestic workers themselves, this legislation ought to be enacted.

Mr. COOLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Rhode Island [Mr. FOGARTY].

Mr. FOGARTY. Mr. Chairman, I rise in opposition to the legislation. In the 23 years I have been a Member of this Congress I have never been lobbied by so many high-handed, brazen lobbyists as I have in the past 3 years or 4 weeks in behalf of the extension of Public Law 78, which some people call just this little old cotton-pickin' bill we are considering here this afternoon.

I am receiving letters from organizations like the Apple Growers' Association. What is there about stoop labor that is of interest to the apple growers? I have received communications from nurserymen. What is there about stoop labor that is of interest to nurserymen? These and other organizations have brought more pressure on Members of Congress in the last 3 or 4 weeks than I have witnessed in the last 23 years.

What I said last May about the bill, that this is a slave labor bill, in my opinion, still holds true. It is a slave labor bill. When I hear people in Illinois getting up today saying they are going to support this bill, as I sat down here, I was thinking Abraham Lincoln would turn over in his grave today if he could hear people from Illinois getting up saying they are supporting this sort of slave labor legislation. Many of us thought that Lincoln freed the slaves about 100 years ago, but if we want to continue this kind of operation and continue this kind of slave labor in this country, as we have since 1951, we will be looking for another Abraham Lincoln after 1968.

There has not been one person that I know of in the House this afternoon who has said this is going to be only a 1-year extension that really believes that. I do not think any of us ought to be kidded into believing that this is just going to be a 1-year extension. Many in the past have said this is going to be discontinued a year from now, 2 years from now, or 3 years from now. We have been hearing this since the conflict in Korea.

The reason Public Law 78 was enacted was because we were at war in Korea in 1951. The same arguments were made then: "This is only a temporary measure. Give us 2 or 3 years until we can work ourselves out of it." But in 2 or 3 years they went up to nearly 500,000 Mexicans that they brought into this country in 1 year. Sure, it is down to 195,000 or 196,000 now, but this does not mean that they are going out of existence.

How in the world anybody with a good conscience today can vote for this bill, after they voted for the last farm bill, one of the worst pieces of legislation ever considered by this House, I cannot understand.

Mr. Chairman, we are considering again today a bill which the House defeated this last May 29. I spoke against the bill then, as I always have, and once more I want to state my complete opposition to it. The RECORD for May 29 contains the basic points of my opposition to the Mexican program, as a slave labor piece of legislation. I want to reemphasize that the lapse of 5 months has not changed the character of the law or my position on it. Our unemployment rate in the United States still continues at a high level, 5.6 percent of the labor force in September.

It is still a matter of concern that a program spawned under Korean war conditions should be filling jobs with foreign workers when workers here in the United States must do without. This law in every way benefits the larger, well-run corporate farms. We are encouraging the 2 percent of all farms in the United States who use Mexican workers in several ways: We make the labor available; we remove the need for income tax and social security deductions, thus lightening their workload; we make the workers available when and where employers want them, removing the seasonal worries faced by smaller farms who do not use them. The advantages of such a law are obvious to the 2 percent of the farmers we are speaking of. In effect, it relieves this group from the pressures of a free labor market system. Is it any wonder that wages of domestic workers have tended to remain low where the Mexicans are used?

We have consistently left farm labor out of the protection of our labor laws; we should at least leave them the protection of the law of supply and demand.

About a month ago, this body passed a tax measure, H.R. 8363, in which we declared that we recognize the importance of taking all reasonable means to restrain Government spending. The President's television speech promised that "no wasteful, inefficient or unnecessary Government activity will be tolerated." We will never get a better chance to put this promise into effect. The activity represented by this Mexican program is wasteful, and inefficient, and unnecessary, all three—and immoral in the bargain. Accordingly, it should no longer be tolerated.

I pointed out last May, and it is even truer in light of the tax cut, that we simply cannot justify paying subsidies to support crops already overproduced to the point of unstable prices, and then counteract these support measures by paying to bring in foreign labor to encourage production of the same crops. Let me cite the cotton support program and the sugarbeet support program. The U.S. Government paid out $275.5 million in 1961 to farmers in six States where Mexican workers were used to produce cotton. When the figures for the 1962 crop are finally totaled, the amount in the same six States promises to be even higher.

Under the Sugar Act, producers in States where braceros were used in sugarbeet production received $27.1 million in 1961 to maintain the income from their crop.

These payments were being made while cotton was the crop in which most Mexican workers were used, and sugarbeets the fifth largest user of bracero labor. There were as many as 25,900 braceros used in cotton harvesting in 1962 and 13,600 in sugarbeet cultivation.

It might be added as a footnote to the cost to U.S. taxpayers that the subsidization of the sugar industry, in the form of both direct money payments and a supply of cheap foreign labor, has been rewarded by wildly climbing sugar prices during this year, despite the protests that sugar is not in short supply. So the taxpayer is being asked to pay in three ways for higher priced sugar.

Mr. Chairman, I think that for once we should not only say we want to help the family farmer and the farm worker, but should act on our belief in these people by defeating this program. We will remove the artificial limits on wage and job opportunities for farm workers; we will make the position of the family farmer more competitive with the cor-

porate giant who has recently become his neighbor. In short, we can help return to a free market system for agricultural labor that all should welcome.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. BROTZMAN].

(Mr. BROTZMAN asked and was given permission to revise and extend his remarks.)

Mr. LAIRD. Mr. Chairman, will the gentleman yield?

Mr. BROTZMAN. I yield to the gentleman from Wisconsin.

Mr. LAIRD. The gentleman from Rhode Island [Mr. FOGARTY] and I serve on the Appropriations Subcommittee handling the appropriations for the Department of Labor. We have gone over this program on a yearly basis. The last time this program was up I did not support the 2-year extension.

In the hearings we have had before our committee one would have to agree that the Department of Labor has done an outstanding job in the area of enforcing the provisions of this program as set forth by Congress. I think the gentleman from Rhode Island would have to agree that the enforcement by the Department of Labor has been good. I am today going to support this 1-year extension with the understanding that the program be terminated. I have assured my colleagues that if they support this 1-year extension that this program will terminate after 1 year. I hope the Members of the House will take my assurance that funds will be provided the Department of Labor to see that all aspects of this program are properly enforced by the Department of Labor for 1 year and that the program can be satisfactorially terminated by giving this kind of notice to all parties concerned.

Mr. BROTZMAN. Mr. Chairman, I rise in support of this legislation because it satisfies a critical domestic need, it is a valuable foreign relations link with the Republic of Mexico and can be accomplished without a tremendous expenditure of taxpayer's money. It is clearly in this Nation's interest. I say this for the following reasons:

First. Need: The testimony is undisputed that growers in many areas of this Nation need an augmented labor force at peak periods to cultivate and harvest their crops. These growers live in 21 States of the Nation, but that does not make this a local problem as many argue. The producers of lettuce, carrots, sugarbeets, tomatoes, and other fruits and vegetables feed all the people in this country, not just those who live in the 21 States where they are grown. Eating is national in scope. Consumer prices are national in scope.

The need is greatest among our small farmers. The small farmer has been the victim of the mass exodus of labor from farms to the cities. These small farmers in my district are people who are tilling the soil because they like to, because they like to see crops grow, and want to raise their children in the healthy outdoors; but, they do not have the capital necessary to buy the expensive laborsaving devices that modern technology affords.

Second. Domestic workers: We are all aware of the unemployment situation, so it might seem logical to have domestic labor do these jobs. The growers who are forced by circumstances to use bracero labor would much prefer to use domestic labor. Unfortunately, the record shows that domestic labor will not perform these jobs voluntarily; under the Constitution of the United States, you cannot force them to do this labor against their will because it is clearly involuntary servitude. The report on this bill cites an example in Michigan:

> Any relationship between the use of braceros and displacement of American workers classified as hard core unemployed can be judged by the experience in Michigan. The Michigan Employment Security Commission, in attempting to place urban unemployed into seasonal agriculture jobs found fewer than 1 out of 20 stayed on the job long enough to have a successful work completion record.

A similar situation exists in the other 21 States including Colorado as my colleague JUDSON CHENOWETH stated. In my State, a Colorado based sugar company estimated that approximately 13,000 fieldworkers would be needed. The company conducted an expensive and extensive search for domestic labor, through their own offices and in cooperation with the Colorado Employment Service. They were able to recruit less than one-third of the needed labor supply. After having exhaused the domestic labor supply they recruited some 9,000 bracero workers and the sugar beets were harvested on time.

Since 1951 the law has been clear in the protection of the domestic worker. No Mexican labor can be used unless the Secretary of Labor certifies that domestic workers are not available; that employment of Mexican workers will not adversely affect wages and working conditions of domestic agricultural workers; and that efforts have been made to attract domestic workers at comparable wages. In short, the conditions of the law are clear—if the law is not being administered fairly or equitably then the Congress should settle that score with the Secretary of Labor.

Third. Moral arguments: I have heard the term "slave labor" used in connection with the program. Many confuse this measure with the domestic migratory worker problem and envision men, women, and children being herded across the country in cattle trucks. This is like the man in motion in a football game, designed to take your eye off the ball. First of all, only the men come to this country under a treaty with the Republic of Mexico to work under controlled and regulated conditions. No women or children accompany them. If this is slavery, then there are many thousands of Mexicans waiting at the borders of our country, anxious to throw themselves into the chains of slavery. These individuals want to come here to work and they are going to come, whether it is under this carefully controlled relationship between two friendly governments, or they will come clandestinely under the cover of darkness as wetbacks. If they come as wetbacks they live in constant dread of arrest because they are here illegally; and they are subject to every kind of unfair exploitation known to man. Because of this law, the number of wetbacks in this country has dramatically dropped from 1,075,168 in the fiscal year 1954 to only 30,272 in fiscal year 1962, resulting in a large tax savings to the public on money spent to find, apprehend, and prosecute these wetbacks. The moral equities are all in favor of the legislation.

Fourth. Foreign relations: Good relations between the United States and Mexico has never been more important to the preservation of a free Western Hemisphere and a free world. This is particularly so in view of the constant stream of Communist subversion being sprayed throughout this hemisphere from Cuba.

I submit this is a foreign aid program that is working because there is a quid quo pro between the people of this country and the people of Mexico. It benefits Mexican workers and communities to which they return. It has helped make possible a continuing balance of trade in our favor. It helps American farmers harvest their crops. In short, this program is based on reason and is not a senseless giveaway of American dollars. It is all summed up in one sentence by a communication from the Mexican Embassy contained in the report, which states:

> This has been a firm foundation for good relations between the peoples of the two countries.

So in conclusion, Mr. Chairman, this bill helps solve a domestic problem where a genuine need exists; it is a valuable foreign relations link with Mexico; it is in the Nation's interest, and merits your support.

(Mr. BROTZMAN asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. ROSENTHAL].

Mr. ROSENTHAL. Mr. Chairman, and members of the committee, the gentleman from Rhode Island [Mr. FOGARTY] brought up a very signal and telling point when he suggested that there was probably more lobbying done on this bill than on any other bill in the 20 years since he has been in the Congress. Well, I am from the city of New York and I never expected any real pressure on this particular bill, but as the Washington Post reported this morning, more people have been involved in more doorways and in more hallways than at any other time since I have been in the Congress, which is 2 years.

Let me read to you the one single, almost threatening letter I received this morning. It is from the Times Square Dress Manufacturing Association of New York, N.Y., dated October 30. It is addressed to me. It is as follows:

NEW YORK, N.Y.,
October 30, 1963.

HON. BENJAMIN S. ROSENTHAL,
House of Representatives,
Congress of the United States,
Washington, D.C.

DEAR CONGRESSMAN ROSENTHAL: We write to you with reference to your opposition to the extension of the Mexican farm labor program. Many of us are residents of your district, and we want to tell you that we are in disagreement with you on this issue, and

that we are unanimously in favor of the bracero program and its extension.

Our interest in this legislation may not be readily apparent, but I shall explain.

We are an association of ladies' high-style dress manufacturers, each of us having over 500 sewing machine operators in our employ. We are businessmen—first, last, and always, and are sympathetic to the cause of our California fellow businessmen.

We want you to switch your vote and support the extension. Of course, the only difference between this bill and the one defeated on May 29 is the length of the extension. I am sure you can handle this fancy footwork. Don't upset the apple cart—or should we say the cotton cart?

Getting down to specifics, we want you to not only support the bill, but to offer an amendment, which we are enclosing. In essence, the amendment provides that when the 200,000 braceros come into the United States for farmwork, their 200,000 wives or girl friends are transported to New York City to work as sewing machine operators for member-employers of our association.

This proposal may initially shock you, but let me explain:

1. There is a terrible shortage of sewing machine operators who will work at a dollar an hour. We are now forced to pay $2.25 an hour. If we can get these braceros, we can replace the $2.25-an-hour workers with the dollar-an-hour workers. In this way we can overcome the competition from Philadelphia and Chicago. Naturally, the $2.25 workers will lose their jobs, but that is their problem. I am sure that they can get welfare assistance and in that way all the taxpayers will be supporting them, not just the members of our association.

2. Our work is seasonal in the high style dress industry. After we copy Dior's Paris designs we have only 6 to 8 weeks to reap the harvest, and to get our dresses into the stores. Styles change so rapidly that last year I was stuck with 1,500 dresses that were too high above the knee. Can you imagine getting caught like that? Under the Rosenthal amendment, with a large number of these braceros available, we would have an abundance of seasonal labor.

3. As far as housing is concerned, we have made tentative arrangements to put the 200,000 ladies in dormitory housing on unoccupied Ellis Island which is in the middle of New York Harbor. In their off hours they will be within view of the Statue of Liberty. This should provide them with considerable appreciation of the American heritage.

To prevent any unfortunate incidents concerning the fact that we will have 200,000 unmanned females on the island, we have purchased two surplus PT boats, which will make continuous inspection tours around the island.

Incidentally, you may have some trouble with the Mexican Government and/or church groups, with your amendment. As far as the Mexican Government is concerned, just say it is good for their economy, and a pain-free method of foreign aid. Forget about the fact that it will be the American workers who lose their jobs who will have to pay for this foreign aid. Our association has taken a stand against foreign aid, but as an integral part of this program we think it is excellent.

As for the church groups complaining that the children who remain home in Mexico are left there without a father or mother, be prepared to accept a substitute which may provide for funds to send psychiatrists to the children. I am advised that we can round-up enough psychiatrists to show the children the many advantages of their staying at home without their parents.

If the churchmen push the question of the problem of the natural yearnings of the female island residents, remind them of the PT boats and, if necessary, accept a substitute whereby we will be responsible for the construction of a Cyclone Fence around the island. Don't agree to anything beyond the fence, because if the program becomes too costly it loses the financial advantages that we envision.

Good luck.

We remain,

Yours for a free economy,

TIMES SQUARE DRESS MANUFACTURERS ASSOCIATION.
JOE DOAKES, *President.*

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from South Dakota [Mr. REIFEL].

(Mr. REIFEL asked and was given permission to revise and extend his remarks.)

Mr. REIFEL. Mr. Chairman, I rise in support of H.R. 8195 to extend the Mexican farm labor program for an additional year.

The extreme importance of this program to our Nation's farmers, particularly the small farmer, was brought home forcefully to me recently when a major sugar processing company was forced to abandon its plans for construction in 1965 of a multimillion-dollar sugar factory to serve parts of South Dakota, Nebraska, and Iowa.

One of the key reasons given for that decision to delay factory construction was the absence of a stable bracero program to provide the workers needed for thinning, topping and weeding of sugar beets.

Thus it is that a vote for extension of this program is a vote for expansion of the domestic sugar industry to meet the growing sugar needs of this country and to make us less dependent on unstable foreign governments and world crop conditions for our supply.

In my State, the availability of migratory farm labor is keenly affected by the number of braceros which are brought into California and the Southwest. That supply of workers enables the domestic migratory workers from that area to come up to our part of the country to work on the sugarbeet crop.

Because of the seasonal nature of these farm labor needs, which often occur simultaneously in various sections of the country, there simply are not enough laborers, willing to do this type of work, to met the needs of farm employers in all areas.

A vote for this program is one for new sugar factories and new jobs not only for the people employed in those factories and related industries but also for the domestic farm laborer, whose opportunities for seasonal-type work of. this nature are increased.

At the same time it is a vote for lower sugar prices for the housewives and consumers by helping us to develop our own stable and adequate sugar supply.

It is a vote for the small farmer who is seeking to meet his economic problems by shifting from historic cropping patterns which produce surpluses into new specialty crops such as vegetables and sugarbeets. To make the investments required for this type of production, he must be assured of an adequate and stable labor force to do the arduous stoop labor that too few domestic laborers are willing to do.

Because of the intensified nature of this type of nonsurplus crop production, it usually must be accompanied by irrigation. Most of these small farmers are unable to mechanize like the big corporate farmer and, therefore, must go on relying on the services performed by migratory laborers.

A vote for extension of this program is a vote against the illegal entry into this country of wetbacks and their exploitation. It is these wetbacks who are the true victims of deplorable labor conditions. At the same time, domestic workers are unable to compete satisfactorily with wetbacks who do not have the protections built into Public Law 78.

It is a vote against imposing a minimum wage for domestic farm laborers employed by the struggling small farmer who already is beset by numerous imponderable, seasonal and economic factors which make such a proposition totally impractical.

In short, our consideration of this bill today and in the past has dwelt too much upon the needs of the domestic farm laborer and too little upon the needs of the American farmer. For without the farmer, particularly the small farmer, there would be no work at all for the migratory laborer, foreign or domestic.

The committee has reported out a bill which embodies the only course open to us for this year and that is a simple, 1-year extension of the act. I hope the House will go along with the committee's recommendations.

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. NELSEN].

Mr. NELSEN. Mr. Chairman, I rise in support of the legislation. I think all points have been thoroughly discussed and there is very little that could be added. I would like to point out that those of us who live on the farm know how difficult it is to get farm help. I am fully convinced in certain areas where these crops are harvested and large numbers of persons are necessary, this program is needed. I think it was well pointed out by the gentleman from California [Mr. Moss], this is not an argument as to whether it be 60 cents, $1, or $2, but the point is, Is help available? It is not. If help were available, I think we would be perfectly willing to terminate this program.

Mr. Chairman, I wish to add my support to this program at this time.

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TALCOTT].

(Mr. TALCOTT asked and was given permission to revise and extend his remarks.)

Mr. TALCOTT. Mr. Chairman, I wish I could tell you honestly that Public Law 78 is perfect. I cannot. I do not. But I can say quite accurately that it is the best law yet devised to deal with one of the most difficult socioeconomic problems in the United States.

Many arguments can be made in support of the bracero program. Every person involved benefits. The program has worked effectively; it has improved, while diminishing in scope, each year.

I believe I have some credcntials which entitle me to speak briefly. I represent every group who purports to be involved—church people of every faith who work with the migrants and the braceros; union leaders and members of every craft; farmers, businessmen in allied industries, domestics, braceros, and consumers. I was a county supervisor for many years and worked with school administrators, city and county officials, law enforcement and housing officers. I have worked intimately with the domestic migrant family. My district includes thc famous "Salad Bowl of the World." On less than 1 percent of the agricultural land in California, we raise one-fourth of the head lettuce produced in the United States, one-fourth of the strawberries, 95 percent of the artichokes, one-fifth of the celery, one-fifth of the broccoli; the largest beet sugar manufacturing plant in the world is in my district. For years farm workers have migrated to the Salinas Valley. Since 1870 supplemcntal labor has been important during peak harvest seasons.

I wish every Member of Congress could live for a short time in a rural, farm community, upon which each of you depends daily for your sustenance. If you lived there, or could visit there even shortly, you would approve the bracero program.

I know it is easy to say "I will not vote for the importation of a single foreign laborer so long as there is one unemployed man on my street." I would not either. But do not submit to this argument. It does not comport with the facts. There are no unemployed people—men or women—who want to work in farm areas when a bracero is there. If domestics want work, there are no braceros; the farmers do not want them; the law does not permit them; the law prohibits them.

The unemployed in New York City and Boston will not migrate to the farms of California. Presently stoop labor and the braceros earn an average of $1.40 an hour, and can earn more. We pay the highest wages; no area has better working or living conditions or a longer working season. Persons with these limited skills cannot earn as much in any other industry. If there was, in fact, any domestic labor available, they would come to my district.

I do not say domestics will not do the stoop farmwork. We have some 1,500 local farmworkers which enjoy year-round employment—at stoop labor. Some 1,500 migrant workers are working in the area now—at stoop labor. But this is not enough. At peak harvesttime there are 12,000 braceros in my district—4 times the number of domestics. This may seem like a large number, but our production is enormous. Early this month we shipped from the Salinas Valley our 1 millionth railroad carload of lettuce. This would fill a train over 7,500 miles long—almost three times across the country. This did not include lettuce shipped by truck. About 40 percent of our lettuce is now shipped by truck. This is only lettuce, not other vegetable products. I am certain it is difficult sitting here to imagine the enormity of this production. Production like this requires a lot of manpower, mostly during a few months of the peak harvest season. It is mostly all hand, stoop labor.

We cannot postpone or change the harvesttime. Many of our crops ripen within hours. They are all perishable within days, and 80 percent is shipped to the east coast.

Our harvest season comes at a time when most other employment is also at a peak—the summer; when the tourist season is at its height; when motels and restaurants are operating at near capacity; when the recreation, fishing, forestry, and vacation industries are most active; when the building, manufacturing, and construction businesses are at a peak; when transportation by train, bus, and truck is greatest.

Stoop labor skills are among the lowest. If a working man can get a higher skilled job in another industry or in some other phase of farming, he will not do the stoop labor. The enormous demands for farm labor at the very time when competitive employment is highest explains, in part, why it is impossible for us to obtain a reliable supply of stoop labor during our peak harvest season. If you think about our problem, if you put yourself in our place, you will understand.

I want to mention two aspects of this problem which are seldom considered. Other speakers will discuss other reasons for extending the bracero program which are even more compelling. Housing and schooling are problems of the migrant and the rural community. These do not affect the farmer or the allied industries or the consumer directly. But if the 12,000 braceros in my area are eliminated, we will need 12,000 more family homes almost immediately; this would double our present housing; and they would be occupied only 3 or 4 months of each year. How could we, or any community in the world, double our housing in less than 6 months? Even if we had the materials and the financing, we could not get 1,000 units ready for next spring. Is there any builder or financier in America—including the Federal Government—who would build 12,000 family units which would be occupied only 3 to 4 months of the year? We all know there is not—but you are forcing my district, and other districts, to do exactly this—or go out of business. If you lived in my district, or were ever in the house-building business, you would understand our housing predicament.

Consider briefly the school situation. If the 12,000 braceros are eliminated, 12,000 families must migrate to our area for 2 to 3 months of the school year. This would mean at least 20,000 additional schoolchildren. This would more than double our school enrollment for less than one-fourth of the school year. Is there a city in all of America, including New York, Chicago, or Boston, that can accommodate 20,000 new students next year, provide the new schoolrooms, the new teachers and facilities, for 3 months, and then let the extra rooms and facilities stand vacant for the balance of the school year? Is there any school system in any congressional district that can double its school enrollment 6 months from today?

Even if we could suddenly solve the physical and financial problems, there is a more serious difficulty. When the migrants come to a community, they completely disrupt the whole school system. The kids have different backgrounds; levels of accomplishment, textbooks, teachers, and systems. Any teacher will tell you that four or five new students in a class is disruptive. Imagine how disruptive it would be for a school to be doubled next April—2 months before graduation. The pathetic migrant children get little or no education. The local children suffer irreparably.

Then, when our harvests are over, the migrant family moves on to disrupt another school system for a couple of months; and then on to another. Can you imagine how terrible this is for teachers, the local students, the migrant students? We simply cheat them of their education—their most valuable asset.

This, of course, is no fault of the innocent children. This nomadic, migrant, farm labor system is simply un-American. We should not glamorize it, we should not enlarge it, we should not perpetuate it.

We are not asking for Federal aid—we only ask you to understand our problem.

Someday we will work this out. We have solved other problems. But to ask us to solve a work force problem which suddenly multiplies 6 to 10 times for only a few months of the year is asking more than has ever been asked of any community in the history of our country.

Imagine what Detroit, for instance, would do if the work force there was only quadrupled for a period of 3 or 4 months of the year. No one here can even imagine the chaos, but you will force twice as difficult a situation on my little community next April if Public Law 78 is not extended.

We have imported supplemental labor since 1870. We have used every device ever suggested for reducing this importation and we have made much headway. We supply the whole United States with much of their salad vegetables and strawberries. We provide more than 400,000 jobs throughout the United States each year. A sudden termination of Public Law 78 would cause unbelievable chaos in rural America and would adversely affect every person in America.

We are asking nothing from anyone other than the opportunity to import willing labor during the peak harvest season when no local labor is available.

All I ask is that you try to understand our predicament. If you understand, I believe you can vote "yes" on this bill.

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. HORTON].

(Mr. HORTON asked and was given permission to revise and extend his remarks.)

Mr. HORTON. Mr. Chairman, several months ago when this legislation was up I opposed it. I continued to op-

pose the legislation. I feel there has been ample time for this program to be terminated. I feel it should be terminated as of the end of this year.

Mr. Chairman, I wish to offer a brief comment on the vote I intend to cast on final passage of H.R. 8195, a bill to extend for 1 year the Mexican farm labor importation program or Public Law 78.

All of us will recall the House already has worked its will on this legislation. On May 29, 1963, a rollcall vote clearly indicated that a majority of the House favored discontinuing this program. I joined my colleagues who opposed the measure on that occasion and shall do so today.

I have studied this entire matter very closely. I have made a critical examination of the bill now before us in comparison with the bill defeated earlier this year. Frankly, the only distinction I can find between H.R. 8195 and H.R. 5497 is that the instant bill would extend Public Law 78 for 1 year, while the earlier bill would have extended it for 2 years. In view of my objections to the substance of the program, which I stated publicly when the earlier bill was being debated, this difference in term makes no material difference.

Mr. Chairman, I find extension of the bracero importation program deficient on two grounds: economics and morals. Together, these two factors argue favorably for the expiration of Public Law 78 at the end of this year.

Without question, the most serious domestic danger we face is unemployment. Today, more than 4 million American men and women are suffering the indignity of being jobless. Therefore, with 5.6 percent of our labor force currently unemployed, I find it inconceivable that the Government should not only encourage but also subsidize an actual depressant to our own labor market.

The figures I have cited are for the total labor force in the Nation; the rural unemployment situation is even worse. Sharply increasing mechanization in agriculture constantly reduces farm employment. In this decade alone, 1 million family and hired farm labor jobs will disappear.

Beyond the labor force impact, the bracero program is economically prejudicial to the more than 99 percent of American growers who must market their produce in competition with that grown on the huge, corporate-type farms which use Mexican labor. The family farm—the root system of American agriculture—is being hurt by Public Law 78.

Mr. Chairman, I believe a careful reading of all the facts pertinent to the Mexican farm labor program lead to one inescapable conclusion: that Public Law 78 in the early 1950's served the very useful purpose of meeting an acute farm labor shortage resulting from the Korean war, but that the situation is now reversed and the measure should be allowed to expire.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. Moss].

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Chairman, I want to say to my friend from Rhode Island that this is not by any stretch of the imagination or torture of language a slave-labor bill. I want to compliment the gentleman from New York for the very light statement he read here as an example of some insidious form of lobbying. I read in the paper this morning that this is a bill that was supposed to have been lobbied at great length. Apparently my vote is not desired. I have not been lobbied at great length either for or against the legislation. I do not regard the legitimate communications from the people I represent as lobbying in any sense of the word. And I wanted to say to the gentleman from Rhode Island who dwelt here on the use of this labor in cotton that cotton is one of the smallest users of the migrant worker in California; that the great majority of the workers are engaged in the harvesting or working on crops of tomatoes, lemons, oranges, asparagus, lettuce, and other truck crops. They are the crops that are not supported. They are the specialty crops and they are paying in the great majority of instances wage levels in excess of the national minimums prescribed for industrial employment.

I yield to no man in this Chamber in my concern for the welfare of the American worker. I challenge any Member of this body to demonstrate a voting record during my 11 years of service that is superior to mine in concern for their welfare. I am not speaking now as the Representative of a large agricultural district. Most of my agriculture was taken away in reapportionment effective January 3 of this year. But I would not be honest with myself if I came here and told you that now, released of the burden of representing agriculture in any large volume, that my conscience would accord with failing to continue support of this program when I have seen abundant evidence of the inability of my people to recruit domestic labor to do this work which is so essential.

The failure to continue this program at this point will create a serious economic impact upon the people I represent here. It would not benefit in any measure the undersupply of domestic workers.

Mr. HOEVEN. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. SHORT].

(Mr. SHORT asked and was given permission to revise and extend his remarks.)

Mr. SHORT. Mr. Chairman and Members of the Committee, I happen to be one of the apparently numerous Members of this House who was not extensively lobbied on this bill, even though I happen to be a member of the Committee on Agriculture, the committee which passed this bill out to the floor of the House for consideration.

Mr. Chairman, I have had a few letters on both sides of this question, but no one has called on me. I have no personal interest in this bill. We do not use one single bracero in North Dakota although the Red River Valley of North Dakota and Minnesota is one of the largest sugarbeet-producing areas in the United States.

Mr. Chairman, this is perhaps a point to consider as we consider this bill. Why do we no longer use braceros in the Red River Valley? We do not use them because the area is almost completely mechanized in the beetfields and in the potato fields. We raise potatoes in the Red River Valley of North Dakota that are planted, harvested, stored, and marketed without ever being touched by human hands. This is the thing that is coming, this is the thing that is going to eliminate the need for the bracero program, and eventually most or all of the hand farm labor used in the United States.

I think we might then ask ourselves what is going to become of some of the people who need jobs in some areas of possible unemployment in the United States. The gentleman from Arizona [Mr. RHODES] pointed up one thing which I think is surely going to happen, beyond any question of a doubt. That is the exportation of the production of some of these specialty crops that are grown in some of the States and areas where most of this bracero labor is used. The capacity to produce the specialty crops where most hand labor is now used is great in Mexico and other Central American countries. If we make it impossible to produce these crops in the United States we will find the market supplied by imports and we are importing too many agricultural products now including beef.

Mr. Chairman, I support this legislation and urge its adoption.

Mr. HOEVEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DON H. CLAUSEN].

(Mr. DON H. CLAUSEN asked and was given permission to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of this legislation and I want to join my colleagues who support this legislation.

Mr. Chairman, I do not think there is anything I could add to what has already been said. However, I would like to answer the remark made earlier about our bringing Chinese, Japanese, and Mexicans into California.

Mr. Chairman, in the congressional district which I have the honor to represent I have some of the finest people, Japanese, mind you, who got their start as a result of coming into our area as agricultural workers. This also took place with reference to the Danes, the Germans, the Swiss, the Italians, the Portuguese and many other nationalities who are among the most successful farmers of our State.

Also, I might say from the international point of view—I have worked in Mexico with a program where we use aircraft to fly people into remote areas to show these people how to better serve and improve their agricultural needs. I can think of no better way to promote a private peace corps that has the opportunity of providing the self-help educational potential of this program—in addition to serving a pressing domestic problem.

Mr. COOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OLSON].

Mr. OLSON of Minnesota. Mr. Chairman, the Committee today is debating a measure the substance of which is identical to that which this House rejected last May. The arguments pro and con in respect to the extension of Public Law 78 remain basically unchanged. The zeal with which the proponents of this legislation are urging extension is, of course, clearly recognized. However, I do not believe that zeal alone is sufficient basis to come before this Congress and ask that we overturn our earlier decision of last spring. I should like to point out that not one new piece of evidence has been presented by the proponents of this legislation for consideration by this Congress. On the other hand, the arguments on which the plea for defeat of this legislation are based are as valid today as they were at the time of its earlier defeat.

I checked with the Department of Labor just yesterday to receive the most current figures relating to our unemployment problem. Those unemployed classified as unskilled presently number 457,000. In addition, we have underemployment plaguing our rural areas in the number of 313,000. If we should at this time pass legislation which would permit the continuation of the importation of nearly 200,000 unskilled agricultural workers, our Congress would be on record as choosing to disregard one of the major domestic problems of our time. Of course the argument, Mr. Chairman, presented in reply to these statistics is that these unskilled and underemployed do not all live in areas where strawberries, tomatoes, and other crops employing braceros are raised. To this I can only say, neither do the braceros live in these areas, they must be not only imported but also transported.

I respectfully submit that we are faced with the same situation today that we were confronted with on our earlier deliberations on this subject. Because of the absence of any new evidence to the contrary, I would suggest to the Members of this Congress that it is consistent with the objectives of our previous debate and decision to reject the extension of this legislation again this afternoon.

(Mr. OLSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, when this bill was before us earlier this year I supported it because of what I deemed to be the best interests of my district. I pointed out then that Oregon's migratory labor legislation is among the best in the Nation. I pointed out that only a few braceros are still used in Oregon but that many hundreds of jobs—American jobs—in my district are dependent on getting the fruit harvested. I pointed out that growers in my district hire every American who comes down the pike, that they carry out an intensive recruitment program, and that wages are high, if not by an industrial standard, certainly by an agricultural standard.

For these same reasons I intend to support this bill again this time. I submit that the question has never been—Do we have unemployed Americans? The question is can we get the labor in the right place at the right time. In my district the answer has been "No."

Nor does the question turn on the fact that only 1 percent of the farmers use braceros. The farmers who need the labor most are the growers of fruit, nuts, and vegetables. This group comprises 2½ percent of the American farmers, and many of the 1½ percent who do not use braceros have access to workers from Jamaica, the Bahamas, and Canada under the general immigration law. Further, some 0.7 percent of the farms produce some 80 percent of our vegetables and some 65 percent of our fruit and nuts. These are the ones who need the labor at the right time at the right place.

I do not pretend that there are not problems, and serious problems, with this program. I want these jobs to go to Americans and I want the working conditions and wages improved so that those who labor for wages to produce these crops get a fair return under decent conditions.

And I know that the days of this program are numbered. I know that the growers will not have this program to lean on much longer. They will have to find an alternative supply of labor either by themselves—as I would prefer—or by themselves with the help of Government. The Williams bills are opposed by the growers. They then have the obligation of offering an alternative.

One such has been advanced by Mr. Howard Fujii of Oregon. He urges development of a farmer owned and controlled organization to recruit and place workers, to develop personnel records and training programs and to place special emphasis on employee relations so as to develop decent wages, tenure, continuity of employment, workman's compensation and other fringe benefits.

He acknowledges that farmers have dragged their feet on any such self-help program—that they have been content to get by and have been unwilling to invest their own money.

I say to them that the program is dying—that the farmers must either do the job themselves or the Government will come to the Williams bills or something like them. I hope—as Mr. Fujii does—that they will do the job themselves. I urge you to give them a year in which to do so.

Mr. COOLEY. Mr. Chairman, I yield such time as he may desire to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, my State of Arkansas has used quite a number of braceros in the past. I have some figures here I would like to read into the RECORD.

In 1961 Arkansas used 26,849 bracero laborers, in 1962 only 8,859 were used. In 1963, up to October 20, only 5,806 braceros worked in the State.

I call attention also to the fact that mechanical harvesting is increasing rapidly in the three principal cotton-growing States that had been using bracero labor.

In the State of Arkansas in 1958 only 22 percent of our cotton was harvested mechanically. In 1961 that had jumped up to 51 percent. In 1962, 68 percent of our cotton was harvested by machine.

In the State of New Mexico 39 percent was harvested mechanically in 1958, 73 percent in 1961, and 91 percent in 1962. That is the reason why in the State of New Mexico and the State of Arkansas they have not used or needed as many braceros.

But let us look at Texas. In 1958, 35 percent of their cotton was harvested mechanically, in 1961, 64 percent, and in 1962, 78 percent was harvested by machine.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from New York.

Mr. ROSENTHAL. I want to compliment my colleague from Arkansas on showing statistically how there has been a drastic reduction in the number of braceros used, but why, when the gentleman testified before the Committee on Rules, did he say he wanted to make this a permanent program?

Mr. GATHINGS. I will be glad to answer the gentleman. It was because I had introduced legislation in the past to make this legislation permanent. I had introduced such bills on two different occasions. That is the reason for my statement. This is a great program and should provide labor in the crops and in the areas where it is needed. It may be phased out, but in any event the legislation is badly needed at this time since there are no machines available that can harvest tomatoes, cucumbers, strawberries, green beans, celery, and various other food crops including all types of citrus. Stoop labor is required to do the work.

Public Law 78, the bracero program, builds good will with our friend and neighbor to the south of us. These workers flock to the border for the privilege and opportunity of coming here where they can earn many times the wage rate paid in their own country. They enjoy the work on America's farms and want to return from year to year.

Emil Zubryn wrote an article from Mexico City on the date of June 1, which appeared in the CONGRESSIONAL RECORD of July 18, 1963, on page A4514, and stated in part as follows:

> Mexico, however, will have some adverse effects if the bracero program is definitely ended. Officials estimate that around $35 million was earned by braceros last year, with an average of around this in the past 3 years.
>
> It could also create employment problems. There is already talk of creating regional labor banks to siphon off excess Mexican farm labor into needed areas, or into industry.
>
> As for the bracero himself, he was stunned by the news and by the loss of an opportunity to work in the United States from 6 weeks to 3 or 4 months.
>
> Many take the attitude that "nobody gives us work here and in rural areas the best lands are for influential well financed farmers or for the favored few who have political backing."
>
> The problem is aggravated further by the fact that in Mexico firms are hesitant to

hire anyone over 35 years of age. Many braceros are in the 40-to-50 age group.

Some political leaders view the entire situation with alarm, feel that it could lead to trouble in agricultural communities.

In general, the hope is that American authorities will reconsider and that the bracero agreement will be extended for at least 2 additional years.

Another article by Emil Zubyrn, which was written in Mexico City on June 8 and reproduced in the CONGRESSIONAL RECORD of July 15, 1963, on page A4394, concluded, as follows:

Secretary Tello added that "agreements for the contracting of rural migrant labor has always been a satisfactory arrangement for both nations."

"I want to make one point very clear," he said, "and that is this: should the ban prove official, both Mexico and the United States will have to join forces in a coordinated effort to avoid illegal movement of braceros north of the border. And I believe that the principal responsibility should lie with the United States."

There is no doubt that if Public Law 78 is not extended wetbacks will flow across the border in such numbers that immigration officials could not control the movement. The farmers in the Valley area of Texas, along the border in New Mexico, Arizona, and lower California would obtain labor that would be denied farmers who operate in the sugar-beet areas of Colorado or the pickle sections of Michigan, as well as the strawberry harvest in Arkansas. Also the citrus and vegetatable growers of middle California would not be privileged to obtain these wetbacks to aid in agricultural harvesting.

David Weber, writing in the Dallas Morning News of June 13, the article appearing in the CONGRESSIONAL RECORD on June 26, 1963, on page A4066, winds up his article as follows:

"I was up in Texas for 3 months last year," said Indalecio Morquecho, "and made $450. When I got home I invested part of the money here and there and this is what kept us going mostly." Morquecho, 33, has four children. Between bracero trips, he finds occasional work as a relief driver on a city bus. The pay is $1.40 a day. "This doesn't quite cover the rent, but it is something. It has kept me busy until the hiring started again." * * *

For this reason, every day is a heartbreaking repetition of unopened doors and unsigned contract papers for literally thousands of experienced braceros who patiently gather in the shady plaza before the old Cuidadela hiring center in Mexico City. They show up every morning and press in as close as they can to the peeling gray doors which open from time to time to admit a trickle of applicants. Blue-helmeted police grenadiers armed with clubs and tear-gas guns keep pushing them back, but as soon as the guard relaxes they push forward again hopefully. All day they wait, until at last they see the officials come out and get in their cars and drive home. The hopeful braceros drift off then, but the next morning they are back again.

"What else can we do?" asked Salvador Perez Carmona, a weathered man who has spent the last 5 summers in either Texas or California. "It's too late for most of us to learn a new trade. Farming is our work, but there's no work for us now. Not even up there, on the other side."

It has been urged by opponents of the extension of Public Law 78 that if our local labor were paid more money for agricultural work, that adequate labor would be available, obviating the necessity of bringing in supplementary labor from Mexico. A most revealing letter and attachments were received by the gentleman from Texas, Representative JOE KILGORE, written by the Wallace Fruit & Vegetable Co., on June 2, 1963, and reproduced in full in the second set of hearings on the extension of Mexican farm labor on August 21, starting on page 25 and running through page 27. The substance of the information was to the effect that Mr. Wallace was putting forth every possible effort to harvest 500 acres of cantaloups. He visited the office of Bob Sanchez, an attorney who represented the Spanish-speaking people in that area. Mr. Sanchez worked up a contract calling for a fair wage of 75 cents per hour, with an additional guarantee of 25 cents an hour for every hour worked "provided the worker would stay until the cantaloup harvest was completed." Under this arrangement the wage rate was much higher than the going wage rate in the area, and it was felt that the domestic worker would take advantage of it. An all-out advertising campaign was started with 200 spots in Spanish over the radio, and 10,000 posters in Spanish distributed, telling the story of the great need for workers and the wage rate that was offered. The project turned out to be a failure, and was most disappointing to both the Wallace Fruit & Vegetable Co., as well as Mr. Sanchez. Mr. Wallace's letter to the gentleman from Texas, Representative KILGORE, concluded as follows:

It was hard for us to believe that the labor would not work and respond to this opportunity. But they did not, and would not.

It is now evident and conclusive, based on actual facts, that we cannot grow or harvest these cantaloups without bracero labor.

A press release of the Council of California Growers from Stockton, Calif., was placed in the CONGRESSIONAL RECORD by the Honorable CHARLES S. GUBSER on August 6, 1963, and appeared on page A5011, revealing the impact upon the economy of the area where such a large portion of tomatoes for canning is grown. The article states that the tomato industry meant $88 million in crops to the farmers, $5.5 million to the seed industry, $4 million to tractor fuel and machinery repair services, $3.5 million in fertilizers, $70 million in metal cans, $11 million for glass containers, $12 million for boxes and cartons, $6 million for printed labels, $1.8 million for handling, $32 million for shipping, and $45 million for the salaries of the 50,000 cannery workers.

The program is for supplemental labor for only a short period of time where peak labor is required for thinning, weeding, and harvesting. It has worked well and has resulted in providing the housewife with an adequate food supply at reasonable prices. If there is no bracero labor, the farmers who now are growing the fresh fruits and vegetables will do one of three things. They will reduce their plantings, they will plant about the same acreage and the foods will deteriorate since there will be an inadequate supply of labor to harvest them, or they would move their operations outside of the country.

The bill should be passed to extend the law as the legislation is badly needed.

Mr. COOLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. HAGEN].

Mr. HAGEN of California. Mr. Chairman, the gentleman from New York City did an excellent job of injecting a little humor into this argument. I want to tell the story about the man who was bringing a visitor to his house, and when he got there he found his wife up a tree and a wildcat at the bottom. He wanted the stranger to help her, but he said, "That is the kind of fight I don't want to get into." This is the position of those of us who seek to fairly represent the interests of both labor and farmer-employers.

If the gentleman from New York thinks he has been lobbied presently, he may be really lobbied greatly if this program is allowed to expire at the end of this year. If the price of lettuce and tomatoes goes up three times he might be hearing from irate housewives in New York City, and no one is a better lobbyist than an irate housewife.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield to the gentleman from New York.

Mr. ROSENTHAL. The fact of the matter is that farm labor represents 4 percent of the cost of goods to the housewife, and if we gave a 100-percent increase in wages it would be only a 1-cent increase in the price of a 2-pound can of tomatoes. In my opinion, that is a fictitious argument.

Mr. HAGEN of California. I am sure that a major part of the costs of these bracero-harvested products are added by the wholesalers in New York City, and the people who actually engage in retail sales. This is a bill not for the benefit of a few farmers, it is for the consuming public and the many people who work outside of agriculture in handling these goods. We do not support this program in California because we are illiberal, we support this program because we feel that at the moment it is a matter of necessity and it is only on that basis that we support it in the interest of our farmers, consumers, and industries based on use of farm-produced raw materials. All we are asking is a 1-year extension to the Secretary of Labor of authority to conduct the kind and scope of program he thinks the circumstances require. We are giving him a license to conduct a program. Mr. Wirtz, the Secretary of Labor, is not antilabor. He is not going to conduct the kind of program which would be used to depress the wages of American workers or that would be used to displace American workers from their jobs. All we ask of you, and we ask it sincerely and not from an antilabor position, is that you give the Secretary of Labor authority to conduct a fair and equitable kind of program, which we hope won't be necessary after the year 1964. I might conclude by saying that the Secretary of Labor has endorsed a 1-year extension of the bracero program.

Mr. Chairman, I yield back the balance of my time.

Mr. DENT. Mr. Chairman, there are many reasons, some old, some new, to continue my opposition to this legislation. The most compelling reason is spelled out in simple language, "We need jobs, jobs in every field of endeavor."

This Nation has a chronic unemployment problem. Try as we will we cannot keep the rug over the sad record of our employment and economic ills of the last decade.

However my most compelling reason is one that treats foreign labor exactly as I trust the threat from the goods produced by foreign labor and sold in our domestic market.

Although many proponents of free trade do not see the situation in this light, but that in my opinion does not alter the facts.

I am pleased to note for the record that the following letters opposed to the legislation have been addressed to me by leaders in the labor movement who have not yet come to the realization that there is no difference between the two imports, labor or labor's products, in job competition.

Someday, when the sun finally breaks through the black clouds of propaganda, political expediency, misguided intentions, and plain economic ignorance all America will awaken to the dangers in our trade policies and practices.

The record should contain the statements as I received them from the men charged with the responsibility of keeping the path of labor cleared of the obstacles of greed, prejudice, and poverty.

Mr. Chairman, I attach correspondence on this issue and my response to same:

INDUSTRIAL UNION DEPARTMENT,
Washington, D.C., October 18, 1963.

DEAR CONGRESSMAN: I am writing to you on behalf of the Industrial Union Department, AFL–CIO, to ask you to vote against H.R. 8195 which would extend the Mexican contract labor program for another year to December 30, 1964.

We are grateful to you for your vote against a 2-year extension of this program last May 29. We are convinced that your vote was in the public interest.

The only difference in H.R. 5497 which was voted down in May and the pending measure is that the latter extends the program for a shorter period of time, but this difference is made largely meaningless by the expressed intention of its primary supporters to demand a further extension next year. This plan was stated clearly by Representative GATHINGS during the hearings before the Rules Committee last week.

We are unequivocally opposed to the extension of this program for any period of time and we urge you to vote against any extension.

To the extent that there is an apparent need for American contract foreign labor in agriculture, it is the result of the availability of this un-American crutch for the last 12 years and the resulting effects on farming and farm labor. We have urged and will continue to urge the enactment of legislation for an improved domestic recruitment program as set forth, for example, in H.R. 4518, but the same political and economic groups which have fought for a subsidized labor force for commercial agriculture have strongly opposed rationalization of the domestic program.

The pending bill, H.R. 8195, does not even contain the weak amendment attached by the Senate in an effort to reduce adverse effects on our domestic farm workers, an omission which supports our earlier statement that "no decent domestic recruitment program can be enacted until this contract labor tranquilizer has been withdrawn from its beneficiaries."

Thanks again for your earlier vote.

Sincerely,

WALTER P. REUTHER,
President.

OCTOBER 25, 1963.

WALTER P. REUTHER,
Industrial Union Department,
Washington, D.C.

DEAR WALTER: Thank you kindly for your note on H.R. 8195.

I am still standing pat on imports, products, or people. I see no difference in any instance if it hurts my people.

With the kindest of personal regards, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

HARRISBURG, PA.,
October 29, 1963.

Hon. JOHN H. DENT,
House Office Building,
Washington, D.C.:

We respectfully urge you oppose H.R. 8195 which is designed to extend Public Law 78 providing for Mexican farm labor importation program. With unemployment situation what it is in this country efforts should be made to put these people to work rather than continue this method of importing workers. An adequate supply of American workers is available and if wages must go up to attract these workers that should happen and this should not greatly affect prices since less than 12 percent of total farm production costs and less than 5 percent of total consumer prices are labor costs. Especially is this essential since I undertand less than 1 percent of U.S. farms now use Mexican farm labor and these farms should no longer be afforded this privilege of using imported labor to depress wages and severely limit job opportunities for this country's unemployed.

HARRY BOYER,
President,
Pennsylvania AFL–CIO.

OCTOBER 30, 1963.

Mr. HARRY BOYER,
AFL–CIO,
Harrisburg, Pa.

DEAR HARRY: Thank you for your telegram on H.R. 8195. As I am sure you know, I am against importation of foreign labor just as much as I am importation of foreign goods. They both put our people out of business.

With the kindest of personal regards, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

AFL–CIO,
Washington, D.C., October 17, 1963.

Hon. JOHN H. DENT,
House Office Building,
Washington, D.C.

DEAR JOHN: H.R. 8195, a bill to extend for 1 year the Mexican farm labor import program under Public Law 78, is expected to come up soon for floor action in the House of Representatives. The Public Law 78 program takes jobs away from American workers and lowers wage standards and working conditions for American workers.

On May 29 of this year the House of Representatives rejected a proposal to continue for 2 years the temporary, wartime Public Law 78 program enacted in 1951. The AFL–CIO opposed the 2-year extension and we now oppose the 1-year extension for the same reasons. Sharply rising mechanization of agriculture is increasing unemployment among American farm workers. To import low-wage Mexican farm workers—195,000 in 1962—when millions of American workers are jobless is simply unconscionable.

The fact that H.R. 8195 provides only a 1-year extension does not mean that the supporters of Public Law 78 will be satisfied with that. During the Rules Committee hearings on H.R. 8195, Congressman E. C. GATHINGS, chairman of the House Agriculture Subcommittee handling Public Law 78 bills and chief House proponent of this legislation, was asked whether he would bring up another Mexican farm labor extension bill next year if this one passed. He answered flatly that he hoped so.

H.R. 8195 would provide the sixth extension for Public Law 78. If there ever was a valid reason for the importation of farm workers, it certainly does not exist today. Less than 1 percent of American growers use imported workers. They are cushioned against a rise in wages because they are allowed to get cheap, docile bracero labor from Mexico.

There is also no validity to the argument that consumer prices will rise of Public Law 78 is ended. The fact is that farm labor costs account for less than one-twentieth of the consumer prices of farm goods.

The AFL–CIO continues to oppose any extension of the Public Law 78 program, which injures American workers. Therefore, we urge you to vote against H.R. 8195.

Sincerely yours,

ANDREW J. BIEMILLER,
Director,
Department of Legislation.

OCTOBER 22, 1963.

Mr. ANDREW J. BIEMILLER,
Washington, D.C.

DEAR ANDY: Happy to continue to support Labor's position on Mexican labor. You remember me—I'm still fighting imports of foreign labor or products made by foreign labor.

With the kindest of personal regards, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA,
Chicago, Ill., October 18, 1963.

Hon. JOHN H. DENT,
Member of Congress
U.S. House of Representatives,
Washington, D.C.

DEAR MR. DENT: A bill which would keep wages low and cause increased unemployment among the most poverty-stricken workers of our Nation—a bill which has been rejected by the House previously this year—is unfortunately coming up again for debate and a vote. The measure concerns a continuation of the Mexican farm labor importation program. It is H.R. 8195.

With this program, also known as Public Law 78, growers need not raise wages if the low rates they offer fail to attract sufficient U.S. workers. They simply tell the Government that they cannot get workers and Mexican workers are imported. Public Law 78 thereby makes a mockery of our competitive free enterprise system. It depends upon the huge supply of extremely poverty-stricken workers in Mexico to create increased poverty in the United States.

While agriculture is becoming more and more mechanized, while U.S. farmworkers suffer increasing unemployment, hundreds of thousands of Mexican farmworkers are imported into the United States to take badly needed jobs each year. The growers complain about the competition of Mexican strawberries and want them kept out, but they want Mexican workers to take jobs away from U.S. workers.

Less than 1 percent of U.S. farms use the bracero program, but they are generally the large, corporate-type farms, so that literally hundreds of thousands of jobs are involved. The Federal Government subsidizes these growers by paying $1,262,000 this year alone for the enforcement of Public Law 78. What is more the $15 fee which the growers pay to get the Mexican workers is now inadequate to cover the Labor Department's costs of transporting and feeding the workers in transit. Finally, some of the crops which the Mexican workers till are subsidized.

We strongly urge you to vote against H.R. 8195. The Mexican farm labor importation law, which was enacted in 1951 as a "temporary wartime program" should be ended once and for all.

Very truly yours,

PATRICK E. GORMAN,
Secretary-Treasurer.

OCTOBER 22, 1963.

DEAR PATRICK: Of course I'll vote against the Mexican import bill. Remember me Harry? I am against all cheap imports whether they be cheap labor or cheap goods. They both take American jobs.

I see no difference between importing a Mexican worker or importing what he produces. In either case we lose jobs and wage levels. I am against both.

With every kind regard, I am,

Your friend,

JOHN H. DENT,
Member of Congress.

NATIONAL CONSUMERS LEAGUE,
Washington, D.C., May 23, 1963.

Hon. JOHN H. DENT,
House of Representatives,
Washington, D.C.

DEAR MR. DENT: The National Consumers League urges you to vote against H.R. 5497, a bill to extend Public Law 78, providing for the importation of Mexican agricultural workers. These foreign workers constitute a huge supply of cheap labor used principally by the large corporate farms. As a result, the small family farm is at a great disadvantage, and American farmworkers have been deprived of jobs and have had their earnings depressed.

The detrimental effects of this labor importation on our domestic farmworkers have been increasingly apparent. In the face of continually increasing unemployment and underemployment of our domestic farmworkers, it is imperative that the bracero program, which is used by only 5 percent of American farm operators, be permitted to die at the end of 1963.

Further reduction of available jobs for our domestic farmworkers continues as use of automation in farming increases. The existence of the bracero program, by practically doubling the number of workers available for the existing jobs, constitutes an economic compulsion on the most deprived segment in the American working force, to accept wages and working conditions that are guaranteed to keep them at the bottom.

The plight of the small family farmer and of our domestic migratory farmworkers requires from all sectors of our population a willingness to cooperate in plans and actions that will improve their situation. As consumers, we are willing to cooperate, even if it should mean a slight increase in the cost of farm products.

The National Consumers League has long been concerned with the conditions under which consumer goods are produced, and believes consumers have a real responsibility to work toward ending the exploitation of migratory farmworkers. The league, therefore, strongly urges you to vote against H.R. 5497.

Sincerely yours,

SARAH H. NEWMAN,
General Secretary.

JUNE 4, 1963.

Mrs. SARAH H. NEWMAN,
National Consumers League,
Washington, D.C.

DEAR MRS. NEWMAN: Of course you know how I feel about cheap imports whether they be products or persons.

I see no difference in importing a Mexican to take an American farmhand's job or to demoralize the farm wage structure than I do in importing products from cheap foreign labor that kill off our production jobs and cause our wage structure to be under heavy pressure from foreign competition. In either event, the U.S. worker loses his job. I will, of course, vote against the Mexican farm labor bill.

Thank you for your interest in this legislation.

With every kind regard, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

NORTHERN WESTMORELAND COUNTY, PA., UNITED LABOR COUNCIL, AFL–CIO,
New Kensington, Pa., May 20, 1963.

Hon. JOHN H. DENT,
Congressman, State of Pennsylvania, House of Representatives Office Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: The delegates of the Northern Westmoreland County, Pa., United Labor Council, which represents all the AFL–CIO locals in our valley, discussed the importing of fuel oil and a lot of other material from foreign countries which is causing a lot of unemployment.

Our council wholeheartedly supports you and all your colleagues in urging President Kennedy to hold the line on imports of fuel oil and the controls must be retained and they must be strengthened to protect the jobs of our people in this country.

Very truly yours,

WILLIAM SNYDER,
Recording Secretary.

MAY 22, 1963.

WILLIAM SNYDER,
Recording Secretary, Northern Westmoreland County, Pa., AFL United Labor Council, CIO.

DEAR BILL: I appreciate your note on the fuel oil imports and Mexican labor. Of course you know my stand and can assure the members that I will continue fighting against cheap imports of oil, Mexicans, glass and any other import that takes American jobs from our own people.

I have long contended that there's no difference in importing a foreign worker to take over American workers' jobs than there is in importing the products of foreign workers that displace U.S. production. In either event, the U.S. worker loses his job.

The biggest lie sold to the American people is the so-called free trade bill.

The records show that we are the suckers in the world market.

With every kind regard, I am,

Sincerely yours,

JOHN H. DENT,
Member of Congress.

NORTHERN WESTMORELAND COUNTY, PA., UNITED LABOR COUNCIL, AFL–CIO,
New Kensington, Pa., May 20, 1963.

Hon. JOHN H. DENT,
Congressman, State of Pennsylvania,
House of Representatives Office Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: The Northern Westmoreland County, Pa., United Labor Council, which represents all the AFL–CIO locals in the Allegheny Valley, held a meeting on May 17, 1963, and discussed the extension of the Mexican farm labor importation program.

The delegates of our council opposes the extension of this program and urge you to stop this program and vote against H.R. 5497. We cannot see importing thousands of Mexican farmworkers when we have so many people in the United States who are unemployed.

Very truly yours,

WILLIAM SNYDER,
Recording Secretary.

NATIONAL FARMERS UNION,
Washington, D.C., June 10, 1963.

DEAR CONGRESSMAN: I wish to thank you for your recent vote opposing extension of the Mexican labor importation program. Our organization supports you in this stand and urges you to also oppose a 1-year extension of the program.

Instead, I feel this is the time, already too long delayed, for raising our own domestic farmworkers and family farmers out of poverty at the same time giving many of our unemployed youth job opportunities.

To this end I strongly urge you to give all-out support to quick passage of the domestic farm labor recruitment bill, H.R. 4518, now in the House Education and Labor Committee. A companion bill, S. 527 will be the subject of hearings starting June 10 before the Senate Subcommittee on Migratory Labor, headed by Senator HARRISON WILLIAMS of New Jersey.

We wish to make clear our position.

First, we in Farmers Union have always felt that low income (sometimes subsidized) agricultural workers are unfair competition to family farmers and their wives and older children.

Second, we feel that farmers who are required to pay fair wages and maintain good working and living conditions should have their income from farming protected sufficiently so that they can well afford to pay good wages and maintain adequate working and living conditions.

Kindest personal regards.

Sincerely,

JAMES G. PATTON,
President.

EMERGENCY COMMITTEE TO AID FARM WORKERS, INC.,
Los Angeles, Calif., August 21, 1963.

DEAR CONGRESSMAN: Enclosed for your information are reproduced newsclippings which report the views of the Mexican-American community in the Southwest on Public Law 78, the bracero program.

It should be recalled that the great majority of farmworkers in the Southwest are Mexican Americans. It is these people who harvest the crops and do the stoop labor for the agricultural industry and it is these citizens who have been hardest hit by the importation of a large captive labor force from Mexico.

Senate bill 1703 (Mexican farm labor extension) will be before the House of Representatives in the near future. You will recall that the House has already rejected a proposed renewal of Public Law 78 last May 29. A program which takes advantage of poverty in Mexico to grant special privileges to a small number of growers in a few of the States of the United States is not in the best interest of either nation.

Along with these citizens who harvest the food for our tables we strongly urge you to oppose Public Law 78 and Senate bill 1703.

Sincerely,

JOHN G. SIMMONS.

(The Mexican-American community in the Southwest opposes Public Law 78—under which Mexican nationals are imported for farmwork. Reproduced here are stories of their protest to Vice President JOHNSON during his visit to the Los Angeles Mexican-American community.)

[From the Los Angeles (Calif) Times, Aug. 5, 1963]

LATINS HERE TO PROTEST BRACERO LAW—ACTION DUE DURING VICE PRESIDENT JOHNSON'S VISIT

(By Ruben Salazar)

A committee of Mexican-American community leaders announced Sunday it will take the occasion of Vice President LYNDON JOHNSON's visit here to go on record against Public Law 78, which allows the importation of braceros.

JOHNSON, as Chairman of the President's Committee on Equal Employment Opportunity, will speak at a luncheon and conference Friday at the Statler Hilton.

The Mexican-American Education Conference Committee, composed of leaders of most of the Los Angeles area Spanish-speaking organizations, will host the affair.

OPPOSE EXTENSION

In a strongly worded resolution passed by 49 of the 50 members of the committee, the Mexican-American leaders urge the Vice President to use his influence in defeating a proposed extension of the bracero law, which is due to expire December 31.

"Public Law 78 takes advantage of hunger and hardship in Mexico to provide for recruitment of a captive, docile, and exploitable foreign farm labor force," the resolution reads.

Twenty top Mexican-American leaders, who hope to meet with the Vice President in private to discuss Public Law 78 and other controversial issues, pushed for the resolution.

A spokesman told the Times the resolution was passed "in the hope that planned picketing of the hotel where JOHNSON will be speaking will be called off."

URGE DIGNIFIED ACTION

"The committee is in sympathy with the persons who want to picket (mostly labor-backed organizations) but we hope to discuss it with the Vice President in a dignified manner," the spokesman said.

The resolution claims the bracero program "creates a large surplus labor pool which displaces and adversely affects American farmworkers."

Braceros, the committee claims, "depress laborers' wages, aggravate severe unemployment and underemployment, and help create wretched living conditions."

LABOR SHORTAGE DENIED

Denying the contention that there are no American farmhands available to replace the braceros, the resolution says: "Most of the California farmworkers are Mexican-American. These workers can furnish all the labor needs of the California growers."

Carlos Borja, Jr., president of the Council for Mexican-American Affairs and State deputy attorney general, will be master of ceremonies at the luncheon. Mrs. Georgiana Hardy, president of the Los Angeles Board of Education, and Dr. Francisco Bravo, police commissioner, will speak at the conference.

Among the organizations forming the committee for the luncheon and conference are the Equal Opportunity Foundation, League of United Latin American Citizens, Council for Mexican-American Affairs, Community Service Organization, GI Forum, Mexican-American Political Associations, the Los Angeles Mexican Chamber of Commerce, the Welfare Planning Council, the County Commission on Human Relations, and the Mexican-American Lawyers Association.

[From the Los Angeles (Calif.) Times, Aug. 10, 1963]

JOHNSON was reluctant about discussing the controversial proposed extension of the bracero program.

Anthony P. Rios, vice president of the Los Angeles Community Service Organization, told JOHNSON that "all the 143,562 different braceros in California in 1962 were employed by only 7,694 growers—8 percent of the 99,000 farmers in California."

"Most of this 8 percent used only a few of the total number of braceros, while the largest growers used the great majority of braceros.

"There is not a shred of evidence," Rios said, "that these large operators cannot afford to pay the cost of hiring American workers. And there is incontrovertible evidence that California's underemployed and unemployed seasonal farmworkers are available to fill the jobs of braceros."

The Vice President said extension of the bracero law is up to Congress and noted that Senator CLAIR ENGLE, Democrat, of California, Representatives EDWARD ROYBAL, Democrat, of Los Angeles, GEORGE BROWN, Democrat, of Monterey Park, and CHET HOLIFIELD, Democrat, of Montebello, were in the room.

JOHNSON said he and his committee would "come in force" to hear the problems of the Mexican-American community in November.

[From the Los Angeles (Calif.) Times, Aug. 11, 1963]

OPPOSE BRACEROS

The 20 leaders, members of the Mexican-American Educational Conference Committee, were hosts at a luncheon and met with the Vice President. They called for ending the bracero program as the first step in bettering Mexican-American chances.

A resolution from the committee, presented to the Vice President, said Mexican-Americans "throughout the southwest of the United States, consider (the bracero program) to be the most harmful and repressive Government-sponsored program that has ever been imposed on the Mexican-American community."

The committee claimed braceros are displacing American agricultural workers (mostly Mexican-Americans) and that "regimented importation of farm workers, is, from a moral standpoint, inhuman and cruel" and that "economic benefits to both countries would be a legitimate consideration only if it were right to treat labor as a mere commodity."

Mr. ROYBAL. Mr. Chairman, I wish to join my colleagues in expressing the strongest opposition to H.R. 8195, the proposed 1-year extension of Public Law 78.

On May 29, 1963, I voted with the majority in the House to defeat the 2-year extension proposed at that time because, among other things, I find it impossible to understand the reason for importing foreign labor to offer unfair competition to our own domestic farmworkers at a time when over 5 million fellow Americans are without jobs.

Nothing has changed since last May, except that in the 5 intervening months, increased mechanization has thrown more U.S. farmworkers out of jobs and these men and women are now available for other farm work.

So, if anything, the situation is growing worse, not better, and there is all the more reason to defeat this measure.

Public Law 78, a "temporary, wartime program" first enacted in 1951, has already been extended five times, and proponents make no secret of the fact that they intend to bring another extension bill before the House next year if this one passes.

It strikes me as somewhat of a paradox that the bracero program is supported by the large commercial farming interests in this country—the supposed repository of the rugged, individualistic, free enterprise system in America—while the bracero program, itself, represents the very antithesis of that system. For under it, if workers are not available at the grower's wage, then he simply asks the Federal Government to set up a human subsidy program to assure cheap imported labor for his peak seasons of demand.

This is bad economics and worse social policy.

Nationally, our unemployment rate stands at nearly 5.5 percent, while unemployment among farm workers exceeds 7 percent, with an additional 9.5 percent classified as underemployed.

I am convinced that the bracero program has effectively undermined domestic wages and working conditions, and greatly reduced employment opportunities for hundreds of thousands of American farmworkers.

As it is, our domestic farmworker is the lowest paid worker in the country, averaging $1,054 in 1961—the latest year for which statistics are available—and able to find work for an average of only 156 days during the entire year.

In addition, the deplorable living conditions, inadequate housing, notoriously poor health facilities, and often nonexistent educational opportunities of those American citizens who migrate to work on the farms of our country, constitute a national scandal and a serious indictment of this affluent society of ours.

It is certainly ironic that, whereas the United States has had a variety of tariffs on industrial and agricultural products throughout its history—to protect our industry and our farmers—in the case of American workers, our human products, so to speak, we not only do not have anything like a tariff to protect them, but, on the contrary, we set up a huge federally subsidized program to import hundreds of thousands of foreign competitors every year, driving wages down below subsistence levels, and taking even those underpaid jobs away from the domestic employee.

I believe this situation is indeed a sad commentary on our American sense of values when we rate the protection of prices on our industrial and agricultural products above protection for our own fellow citizens in their jobs and in their livelihood.

In effect, the bracero program has been a multimillion-dollar imported labor subsidy going to less than 1 percent of America's growers of food and fiber—generally operating large profitable, corporation-type farms—at the expense of our lowest paid and most underprivileged citizens.

In California, where nearly two-thirds of the braceros work, only 7 percent of the State's largest fruit and truck crop operators utilize their services. The rest—generally the smaller, family-type farms—employ domestic fieldworkers or harvest their crops mechanically.

Those in favor of continuing the bracero program sometimes claim that American workers would not do stoop

labor, and therefore that imported laborers are necessary.

This is plain nonsense. American workers perform exhausting tasks in the coal mines and steel mills and foundaries and oilfields of our land, because they are paid a living wage, and will do so also in the fields of our country if the same decent and fair wage structure were provided.

I am confident that if Public Law 78 is terminated and a systematic program of recruitment, transportation, and work contracts—at least similar to what has been offered Mexican nationals for the past 12 years—is provided for domestic migrant workers, American growers will have no difficulty in hiring more than enough reliable fieldhands at harvesttime.

And when U.S. farmworkers are assured decent wages and working conditions, and such long-overdue protections as unemployment and workmen's compensation, as well as more adequate housing facilities, then America's "harvest of shame" will be a thing of the past, and a longstanding blot on our national conscience will have been removed.

In this connection, I would like to mention a series of five articles appearing in the Los Angeles Times from October 20 to October 24, 1963. This series was written by Times Reporter Ruben Salazar after completing a 1,000-mile trip through California's San Joaquin Valley to study agricultural labor problems.

As Mr. Salazar points out, California agriculture has depended on cheap imported foreign labor for over 90 years.

First it was the Chinese, then the Japanese, then the European—Italians, Spaniards, Portuguese, Russians, German-Russians, and Armenians—then the so-called Okies and Arkies of the depression years, and now it is the Mexican national.

In my opinion, California agriculture, and agriculture in other parts of the country as well, have lived long past the day when they should be leaning on the crutch of a foreign labor subsidy at the expense of their fellow Americans.

It is my earnest hope that the House of Representatives today will reaffirm its May 29 vote to end Public Law 78, and so relegate the Mexican national farm labor program to the category of past history, where possibly future generations will view it with kinder eyes than the hundreds of thousands of American domestic farmworkers who have been displaced by its unfair provisions.

Mr. RYAN of New York. Mr. Chairman, I am opposed to H.R. 8195. I have opposed the renewal of Public Law 78 and any further extension of the bracero program in the 87th Congress and in this Congress. On May 29 of this year the House voted against a 2-year extension. The reasons for rejecting this program are just as valid now as they were then.

The spectacle of the U.S. Government using funds raised by private parties to import contract labor to work on American farms, undercutting American wage standards and depriving American workers of employment, is one we should no longer tolerate. It has the effect of degrading everyone concerned with it, the Mexican bracero, the grower and the American worker.

If this program were not concealed, hid away in the rural areas of California, Texas, Arizona, and New Mexico, the American people would have ended it long ago. I ask you, Mr. Chairman, what would happen if, for example, our textile mills and apparel factories should raise money and ask the Federal Government to use it to set up work camps to house foreign workers on the outskirts of the textile counties of North Carolina or the garment manufacturing areas of Pennsylvania? If Federal Government representatives were sent to Jamaica and to Canada to secure workers to come into the United States to work for $1 an hour in our textile mills and Government factories? If whenever there was a temporary shortage of labor, foreign labor were shipped in by the busloads, while nearly 5 million American workers were out of work?

We would never even consider such a program in the Congress. So how can we, with any better grace, vote to extend Public Law 78 for another year? This program was set up during the Korean war. That was 10 years ago. Unemployment then was 3 percent of the labor force. There may have been some need for such a program. At least there was a war emergency.

Today unemployment is nearly 6 percent. There is no war emergency. Yet the program continues. Why? Because under the Public Law 78 program the growers of a few of our States, a few thousand of the millions of American farmers profit by it. A sweatshop-in-the-fields is operating under sponsorship of the Federal Government.

The true character of this program has been revealed during the hearings concerning the renewal of the law. The growers complain about the wages required to be offered domestic or Mexican workers under the Secretary of Labor's very weak program to establish some kind of wage standards. What are these wages they object to paying?

They are unwilling to pay $1 an hour for a man or woman to endure the blazing sun of California, stooped over, cutting melons, with a 50-pound sack weighing down his or her shoulders. They object to paying 95 cents to pick grapefruit in Arizona. They think 70 cents an hour too much to pay for chopping cotton in the Texas delta. Yet their neighbors in the State of Arizona groan under the burden of paying 60 cents an hour for cotton chopping.

This is the reality behind the face of this program. The sweatshop from our cities has found refuge on our farms. Let us treat all the farmers alike. If there is a genuine need for foreign labor to work on our farms, there is provision made for its importation in the general immigration laws. What justification can there be for a special program which benefits to any substantial degree only farmers in States close to the Mexican border? Of the 227,000 Mexicans contracted and recontracted in 1962 more than 182,000 of them, over 80 percent, worked in California, Texas, Arizona, or New Mexico. Why this special treatment for a few farmers?

As long as we provide them with cheap hand labor from Mexico, they will use hand labor. Cut off the supply of cheap labor, and they will hire Americans at American wages to operate machines. In the long run, ending the Public Law 78 program will mean more jobs for American workers, higher profits for the farmers, and lower prices for consumers of fruits and vegetables.

I urge all Members to vote Public Law 78 out of existence by defeating H.R. 8195.

Mr. RIEHLMAN. Mr. Chairman, when the House considered the extension of Public Law 78 on May 29, 1963, the majority felt there were no valid reasons to approve the measure.

There were a great number of jobless American farmworkers then and there are now. They need the work which this bill would give to Mexican nationals. In addition, it is not a happy situation to exploit poverty-stricken people brought into this country to work for cheap wages.

It is my understanding that extension of this law would benefit only 1 percent of U.S. farms and those are huge corporate-type operations.

Earlier there may have been good reasons to enact this kind of legislation, but no justification now exists to extend this legislation for the sixth time.

There is no substantial difference between this bill and the one the House earlier rejected. I could not support the first bill and I will not support this one.

Mr. SCHWENGEL. Mr. Chairman, in the past I have had little sympathy for the extension of Public Law 78 and have not supported its extension. My position was dictated by the fact that there was until now no real assurance or plan for the termination of the program. This year because of a critical situation in different parts of the United States and because the prospects for increased cost of food was in prospect I decided to do a detailed and thorough study of this question. With the help of the Library of Congress I have become rather thoroughly informed on the subject. My conclusion is that this type of legislation should be eliminated by encouraging those who use this help plan now to make other arrangements to meet the labor problem. In order to do this without causing undue hardship for either the producers or the consumers. I will vote for a 1-year extension of this legislation. I have the assurance from the Republican ranking member of the Agriculture Committee, the gentleman from Iowa [Mr. HOEVEN], that this is an extension to phase out this program. This assurance also comes from responsible Members of the majority. In addition, assurance comes from producers and from people who represent districts where this kind of help is used.

Let me assure the House and all people who have given assurances in regard to the plans to phase out this program that if this bill is brought back for ex-

tension next year, I plan now to vote against it.

In order to make for a better understanding of the subject I should like now to address myself to the history and review of the Mexican farm labor program—with review of the pros and cons of the question.

I. HISTORY AND REVIEW WITH PRO AND CON ARGUMENT OF THE BILLS BEFORE THE HOUSE ON MEXICAN LABOR

As of March 15, 1963, two bills, H.R. 1836 and H.R. 2009, have been introduced in the House of Representatives to extend for an additional 2 years the authorization for the temporary employment in American agriculture of Mexican workers. This legislation, original Publice Law 78 of the 82d Congress, was enacted in 1951. It added title V to the Agricultural Act of 1949. The law has been extended several times. This time we hope and believe it is before us the last time. The last extension, in 1961, was for 2 years, expiring December 31, 1963. Certain amendments were made to the act in 1961. These and the changed administrative handling of the wage standards under the act by the Secretary of Labor have contributed to the current controversy over further extension and amendment of the act.

Under the House rules the bills were referred to the Committee on Agriculture. Hearings were held March 27 through 29. H.R. 1836, introduced by the gentleman from California, Congressman TEAGUE, would extend the present law for 2 years to December 31, 1965. The gentleman from California [Mr. TEAGUE] is ranking Republican member of the Subcommittee on Equipment, Supplies, and Manpower, which held the hearings. The other bill, H.R. 2009, has been introduced by Congressman GATHINGS, chairman of the subcommittee. In addition to extending the law for an additional 2 years, his bill would amend the standards for permitting the employment of Mexican workers and determining when such employment had an adverse effect on domestic farm employment.

This background dissertation considers, first, the general status of farm labor in the United States and then outlines the legislative and economic background of programs for importing foreign labor to work on American farms. The history of the debate over the renewal of Public Law 78 in the 87th Congress is next reviewed and the pro and con arguments given. Then the history of the administration of the Mexican labor program by the Department of Labor since the 1961 amendments is briefly outlined. The final section sketches the current issues over the law's renewal to the extent that they have been developed to date.

II. FARM LABOR IN THE UNITED STATES

American agriculture is today producing more with less labor. This is due to sharply rising productivity of the farmer. Production measured as total farm output increased from 1959 through 1962 from 103 to 108—1957–59 equals 100. Productivity measured in farm output per man-hour rose over the same period from 105 to 124, on the same base, according to estimates of the U.S. Department of Agriculture. Using the figures of the U.S. Bureau of Labor Statistics, which are slightly different in concept, to obtain comparative figures for nonagricultural industries, 1961 output per man-hour was 118.4 in agriculture compared with 106.0 in nonagricultural industries—1957–59 equals 100. Between 1960 and 1961 productivity rose 8.3 percent in agriculture and 1.7 percent in nonagricultural industries.

It is significant to note that this trend toward increasing farm productivity is no new development. From 1950 to 1960 output per man-hour on farms rose by two-thirds. The rate of increase, however, has speeded up sharply in recent years. See table 1. This is reflected in the sharp decline in the number of farmworkers since 1950. Between 1950 and 1960 the number of workers in farm occupations both family and hired workers fell 41 percent, the largest decrease ever recorded in a decade. In the last few years a pronounced further drop in hired farm labor has developed. This is most noticeable in workers hired for seasonal farmwork, and especially among foreign seasonal labor, imported for the most part from Mexico. See table 2. This trend reflects increased use of farm machinery:

TABLE 1.—*Percent changes in employment in farm occupations in the United States, 1910–60*

Occupational group	1910–60	1910–20	1920–30	1930–40	1940–50	1950–60
Farmworkers, total	−63	−1	−9	−13	−23	−41
Farmers and farm managers	−57	+5	−6	−11	−18	−42
Farm laborers and farm foremen	−69	−8	−13	−15	−29	−40

Source: U.S. Bureau of the Census, "Occupational Trends in the United States, 1900 to 1950," and 1960 Census of Population, General Social and Economic Characteristics, PC (1)-1C.

TABLE 2.—*Labor force statistics on farm and nonfarm labor*

Item	Annual average			
	1962	1961	1960	1959
Employment (thousands of workers):				
Total [1] [2]	67,846	66,796	66,681	65,581
Agriculture, total	5,190	5,463	5,723	5,836
Wage and salary	1,666	1,733	1,866	1,689
Self-employed	2,619	2,744	2,802	3,027
Unpaid family	905	985	1,054	1,121
Nonagricultural industries	62,657	61,333	60,958	59,745
Farm employment, total [3]	6,751	6,990	7,118	7,384
Hired	1,817	1,886	1,869	1,925
Family	4,934	5,104	5,249	5,459
Seasonal hired farmworkers, total [4]	718	769	788	831
Domestic	647	663	665	685
Foreign	71	106	123	146
Unemployment rate [1] [2] (percent):				
Agricultural wage and salary workers	7.3	9.3	8.0	8.7
All workers	5.6	6.7	5.6	5.5
Part-time employment for economic reasons [5] as percent of total employment in category: [1]				
Agriculture	9.5	6.0	5.2	([6])
Nonagricultural industries	4.8	4.6	4.5	4.0
Hours [7] average per week: [8]				
All agricultural workers	45.4	44.8	45.5	45.2
Wage and salary workers	40.5	40.6	41.1	39.5
Self-employed workers	51.4	50.4	51.7	51.7
Unpaid family workers	37.9	37.3	37.4	36.6
Nonagricultural workers	40.1	40.1	40.0	40.0
Farm output per man-hour [9]	124	120	115	105
Wage rates (dollars):				
Farmworkers: [3]				
Composite hourly rate	0.856	0.834	0.818	0.798
Hourly rate without room or board	1.01	.99	.97	.95
Factory production workers' gross average hourly earnings [1]	2.39	2.32	2.26	2.22

[1] Monthly Report on the Labor Force, U.S. Department of Labor.
[2] 1962 figures not strictly comparable with earlier years because of revisions on basis of 1960 Decennial Census; 1959 and 1960 figures do not include Alaska and Hawaii.
[3] "Farm Labor, U.S. Department of Agriculture.
[4] In-Season Farm Labor Reports received by the Bureau of Employment Security for major agricultural areas.
[5] Could find only part-time work or temporarily on part time due to slack work.
[6] Information not available.
[7] "Employment and Earnings," U.S. Department of Labor.
[8] Excluding persons with a job but not at work
[9] Farm output index (1957–59=100), U.S. Department of Agriculture.

Source: U.S. Bureau of Employment Security, "Farm Labor Market Developments," January 1963, p. 19.

The trend toward mechanization of agricultural labor is reflected not only in the decline in the amount of labor needed but also in the shift in farm wages. Farm wage rates are substantially higher now than even as recently as 1959, yet the aggregate farm wage bill has remained almost unchanged. This reflects the improved composition of the farm labor force caused by the substitu-

tion of small numbers of skilled workers for large numbers of the unskilled.

Unemployment and underemployment are substantially higher among agricultural employees than elsewhere. Farm work is intermittent. Annual earnings among agricultural workers are thus very low, despite the increase in wage rates and the trend toward higher paying, more skilled work. A study by the Department of Agriculture in 1959 showed that of workers working 25 days or more, 1,365,000 workers worked 25 to 149 days and had average annual earnings of $597; 348,000 worked 150 to 249 days with average annual earnings of $1,274; while the 452,000 who worked 250 days or longer averaged $2,186.

Employment of hired labor on farms is concentrated on a few very large farms. The 1954 Census of Agriculture showed 54 percent of the farms spent nothing for hired farm labor; 41 percent paid less than $2,000 in wages and only 5 percent $2,000 or more. The 242,000 farms which spent $2,000 or more in wages paid 70 percent of all farm wages.

III. THE USE OF IMPORTED FARM LABOR IN AMERICAN AGRICULTURE

Although foreign workers have been used on American farms for many years, the present program for their importation by international agreement dates from 1942, to meet labor shortages due to the war.

An agreement for such importation was made with Mexico in that year and for the importation of Bahamian and British West Indian farmworkers in 1943. The West Indian agreements have been superseded by procedures by which Bahamian and British West Indian Government representatives select workers for employment in the United States and negotiate employment contracts directly with American employer representatives. A few Japanese and Filipinos have also been imported for farmwork.

In 1951, the Congress approved Public Law 78—82d Congress—which added title V to the Agricultural Act of 1949. The major features of this legislation are as follows:

First. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

Second. Authorizes the Department of Labor to (a) undertake a recruitment and placement function with respect to such workers, (b) assist workers and farmers to enter into contracts for agricultural employment, and (c) guarantee the payment of wages and transportation by farmer employers.

Third. Requires employers who wish to employ Mexican workers to (a) indemnify the U.S. Government for its guarantee of their contracts, (b) pay into a revolving fund a fee for each worker to support the program financially.

Fourth. Restricts the use of Mexican workers to areas where the Secretary of Labor certifies that (a) domestic workers, able, willing, and qualified are not available; (b) the employment of Mexican workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and (c) reasonable efforts have been made to attract domestic workers at wages and hours comparable to those offered Mexican workers.

Fifth. Eliminates bond requirement of general immigration statutes for such workers.

Sixth. Provides that no such workers would be provided any employer who employed illegal aliens, either with knowledge or with reasonable grounds to believe they were here illegally.

Seventh. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, and December 31, 1961.

The program is self-supporting, except for compliance activities and certain executive functions. Until 1947 the entire cost of importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire cost of the program.

The funds for payment of the expenses incurred in recruiting Mexican workers under Public Law 78 are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is $15 per worker. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again.

Under Public Law 78, approximately 200,000 Mexicans were brought in annually between 1951 and 1953. From that time the number increased until it reached approximately 445,000 in 1956. In 1960, the number brought in was 315,846.

Public Law 78 requires that, before Mexican farmworkers can be imported, the Secretary of Labor must determine and certify that:

(1) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed; (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similiarly employed; and (3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers.

To prohibit any employment of foreign workers which adversely affects domestic wages and working conditions, of course, has consequences with respect to the wages and working conditions under which foreign workers themselves may be employed. The migrant labor agreement with Mexico provides, for example, that:

The employer shall pay the Mexican worker not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment, or at the rate specified in the individual work contract which shall be the rate determined by the Secretary of Labor as being necessary to permit him to certify * * * [that the employment of Mexican workers would not adversely affect the wages, working conditions, and employment opportunities of domestic agricultural workers in the United States], whichever is higher. The determination of the prevailing wage rate will also be made by the Secretary of Labor.

The standard contracts for the employment of British West Indians, Bahamians, and Japanese also provide that the prevailing wage rate must be paid.

In many respects, however, the assurances concerning the wages and working conditions made to foreign workers employed under standard agreements—which are designed at least in part to avoid adverse effect on domestic workers—have in practical effect given foreign workers much greater protection than our domestic workers receive. For example, the Mexican, British West Indian, and Bahamian contracts all provide that work will be available for three-quarters of full time. The latter two contracts also guarantee the worker that he will be able to earn a stipulated minimum in each biweekly period. As another illustration, the employer of Mexican workers under Public Law 78 must provide housing that meets minimum standards prescribed jointly by the United States and Mexico. The British West Indian contract similarly requires the employer to supply, without cost to the worker, such housing "as may be required or approved by the British West Indian Government's agent."

Despite present restrictions on the use of foreign farmworkers, and despite their relatively favorable working conditions, there is considerable evidence that domestic farmworkers are not fully protected against the economic effects of the importation of foreign farmworkers.

In 1959, a panel of consultants appointed by Secretary of Labor Mitchell reported on the Mexican farm labor program. They found indications that the preference of many employers for Mexican labor had forced domestic workers to seek other job opportunities; that, by using foreign workers, farmers had compressed the already short workseason and deprived American farmworkers of additional days' employment; and that the availability of foreign workers had prevented normal competition for workers in an open market and consequent rises in wage levels.

Among the consultants' recommendations were the following: First, that the use of Mexicans should be clearly confined to necessary crops in temporary

labor shortage situations and to unskilled nonmachine jobs; second, that active competition among employers for available domestic workers should be insured; third, that the criteria of adverse effect should be made specific and should include (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) difference in wage and earning levels of workers on farms using Mexican labor compared with nonusers. Finally, the consultants recommended that the Secretary be authorized to establish wages for Mexicans at the rates necessary to avoid adverse effect on domestic wage rates.

It has already been noted that about 54 percent of American farms employ no hired farm labor. Of the farms which do hire labor, 44 percent hire domestic farmworkers only. Less than 2 percent of the farms make use of imported foreign labor. Of the 50,000 farms using Mexican labor, approximately 70 percent are in two States, Texas and California. In these two States and in New Mexico and Arizona about 12 percent of the farmers hired Mexican nationals in 1960. Table 4–A—not printed in the RECORD—shows the distribution by States of such labor for 1960, the last year before Public Law 78 was renewed, table 4–B—not printed in the RECORD—the same date for 1961, and table 4–C—not printed in the RECORD—for 1962.

In evaluating the importance of foreign farmworkers to farm production in the United States it should be noted that they make up only a small fraction of the seasonal labor employed on farms. As table 2 shows, in 1959 a total of 831,000 seasonal farmworkers were employed, 146,000 of whom were foreign nationals. This was less than 18 percent of the total. In 1962 they numbered 71,000 out. of 718,000, or 10 percent of the total as in table 2.

Nevertheless, in certain areas and for certain crops imported farm workers are extremely important. In 1960, at peak season, foreign workers were over three-quarters of the seasonal wokers on lettuce, nealy half of the workers on cucumbers, one-third or more of the workers on tomatoes, citrus fruits, and sugarbeets, and about one-quarter of the workers on cotton. Although the current figures are not generally as substantial, the contribution in certain areas remains very large.

IV. THE RENEWAL OF PUBLIC LAW 78 IN THE 87TH CONGRESS

Early in the 87th Congress, Congressman GATHINGS introduced H.R. 2010, which provided for the extension of Public Law 78 for a period of 4 years to December 31, 1965. Opponents of the bill, such as the American Federation of Labor and the Congress of Industrial Organizations, called for major revisions of the bill and plans for its final termination; otherwise they opposed any extension.

THE PRINCIPAL ARGUMENTS FOR EXTENSION OF LAW WITHOUT AMENDMENTS OF SECRETARY OF LABOR

First. The Mexican farm labor program has supplied farmers with workers that were not available from the labor force of the United States. Experience has shown that most American labor is unwilling to accept seasonable agricultural employment.

Second. It has virtually eliminated wetbacks, illegal aliens who once swarmed across our southern border. It should properly be referred to as an anti-wetback bill. The number of illegal Mexican entrants apprehended in the United States has fallen from 1,075,168 in 1954 to 30,196 in 1959.

Third. Mexican workers have benefited and likewise the communities to which they return, by receiving employment they would not otherwise obtain at wages substantial above what they could earn in Mexico.

Fourth. This employment has substantially aided the economy of our neighbor, Mexico. Wages sent back to Mexico are the second most important source of dollar exchange, next to the tourist trade. These wages make it posisible for Mexico to buy more from the United States than we buy from them. In 1960 our exports to Mexico were $807 million; our imports were $443 million—a balance of $364 million in our favor. Mexico is one of our most important customers.

Fifth. The number of hired farm workers has declined as a result of technological developments, not because of the competition of Mexican labor. The kinds of work in which Mexicans are engaged are the weeding of vegetables or the harvesting of fruits and vegetables. This is "stoop labor," a kind of work which few U.S. citizens are willing to do.

Sixth. Mexicans are vital to the production and harvesting of such crops as lettuce, carrots, sugarbeets, tomatoes, cotton, peaches, berries, among other fruits and vegetables. The commercial producer of such products must hire workers temporarily for weeding and harvest operations, to whom he cannot offer employment during the remainder of the year.

Seventh. If the program for the import of Mexican farm labor were terminated the impact would fall most heavily on the small commercial producer. Large farmers are already more mechanized, and in the event of a critical labor shortage could mechanize to an even greater extent, than small farmers. Small farmers usually lack the capital to buy the expensive machinery and even if they have the capital, lack the volume of work to amortize their costs of investment.

Eighth. The use of Mexican workers has not kept American farm wages from rising. In 1950 the index of farm wages published by the U.S. Department of Agriculture was 432—1909–14 equals 100. In 1960 the index was 629, an increase over 1950 of 46 percent.

ARGUMENTS AGAINST EXTENSION OF LAW WITHOUT AMENDMENTS OF SECRETARY OF LABOR

First. Public Law 78 was enacted in 1951, at a time of labor shortage during the Korean conflict. It was temporary legislation, which has been extended several times by the Congress. It should not be extended again unless amendments based on experience gained in administering the law are incorporated.

Second. In the years since 1951 the farm labor force has declined, in number, as technological change in agriculture has continued at a rapid pace. Unemployment and underemployment have increased as rural problems. At the same time that the need for job opportunities for American farmworkers has been increasing, the use of imported Mexican labor has also been increasing. American workers have been displaced by foreign workers.

Third. Mexican workers perform seasonal farm labor in competition with American migratory labor. Migratory laborers are among the most neglected and underprivileged groups in the American economy. Their wages are low, they suffer much unemployment, and they are generally denied the protection of unemployment compensation laws, minimum wage laws, and workmen's compensation laws. Because they move from area to area, following the crops, they and their families are denied educational, health and other forms of social services facilities which normally accrue only to permanent residents of a community. In fact, Mexican workers received under their contracts better working conditions than American workers receive.

Fourth. About 70 percent of the Mexican nationals employed in the United States are employed on the farms of two States, California and Texas. Only five other States employ as many as 3,000 Mexicans at peak seasonal employment. The program exists to benefit a small minority of farmers.

Fifth. Wages in work performed by Mexican nationals are so low that there is no way of determining whether there is need for the program or not. Wages as low as 35 cents an hour were paid in some areas. No State had a going rate higher than $1 an hour. Unless wages more in line with American standards are offered it not likely that American workers will be attracted to such jobs. Public Law 78 removes any incentive for employers to offer wages which might attract American labor.

Sixth. The amendments proposed by the Department of Labor would require that American workers receive wages and working conditions at least comparable to those offered Mexican nationals. They would introduce a measure of competition into the employment situation by requiring a minimum number of American workers be employed. This would assist the Secretary of Labor in determining whether a genuine need for certifying that Mexican workers are required.

Seventh. If the program is to be continued some guidelines to measure the extent to which the employment of Mexican nationals is having an adverse effect on American farm labor are essential. Past experience has shown that, without such guidelines, the standards of employment and the number of Americans employed have continued to fall, while the number of Mexican workers has increased.

Eighth. In particular it is essential that minimum wage standards by which to measure adverse effects be established. Without such standards the automatic adverse effect of the pressures of vir-

tually inexhaustible supply of labor in Mexico on the farm labor market in the United States will continue to keep the wages offered farmworkers at a very low level.

It is important to note that the cutback in the use of Mexican workers was the predominant element in the decline in the use of foreign workers. Between 1959 and 1962, average employment of Mexicans declined 56 percent while employment of workers of other nationalities increased 11 percent. During this period the continued mechanization of the cotton harvest has reduced manpower shortages and cut down the need for bracero labor. In turn, the increased cost of Mexican labor as a result of the wage rates established by administrative decision has stimulated a further shift from hand harvesting to the use of machines.

However, the recent wage decisions are only the last of such a series of such cost-increasing decision. The 90-to-10 formula which was in use from 1959 through 1961 required growers to pay piece rates which would enable 90 percent of the Mexicans engaged in a particular activity in an area to earn at least 50 cents an hour. The rise in piece rates which resulted from this formula was an important factor in initiating the decline in the use of Mexican labor, which fell on the average 17 percent between 1959 and 1960 and 15 percent between 1960 and 1961.

Since the adverse effect wage determinations were issued in the spring of 1962 the wages of Mexican workers have been sharply increased. Under the program Mexicans cannot be employed at piece rates which would not enable them to earn the specified hourly rates and, furthermore, piece rate workers must be guaranteed average hourly earnings per payroll period no less than the adverse effect rate.

At the same time as the use of Mexican workers has declined, an uptrend in the number of workers of other nationalities, notably those from the British West Indies, Japan and the Philippines has taken place. These workers come in under another law, Public Law 414.

The numbers of such foreign workers, however, remains very small. Perhaps the most significant aspect of this trend is the use of Japanese and Filipino workers on the west coast. Here such workers are especially useful as they can be more effectively utilized in areas where the year-round use of foreign workers on a succession of crop is desired. They are admitted for a period of 3 years, in contrast with the 6-month limitation on the admission of Mexican workers.

Since 1960 there has been relatively little change in the employment of domestic workers. For the country as a whole, their employment in 1962 averaged 647,000, about the same as in 1961, while average foreign-worker employment was 71,000, one-third lower. Peak employment of domestic workers was actually higher in 1962 than in 1960 or 1961, while peak employment of foreign workers fell nearly 50 percent between 1960 and 1962. Increases in wages of domestic farm workers in areas where foreign workers were used were much more common in 1962 than in several years.

Mr. FISHER. Mr. Chairman, I rise in support of the pending bill. I do not know of any legislation that has been before this body in recent years that has been so misunderstood. It must be kept in mind that under Public Law 78, no Mexican farmworker can be contracted to work in this country unless and until it is determined by the Secretary of Labor that there is a shortage of domestic workers in the area and, second, unless the imported worker is paid at least the prevailing wages in the area where he is employed. These two provisions should completely destroy the phony claim that has been raised concerning low wages for braceros and taking jobs away from domestic workers who are able and willing to work.

It happens that I represent a district in Texas which borders on the Rio Grande River for a distance of about 100 miles. Most of the people in my district are engaged in livestock and ranching, with some diversified farming. Former Secretary of Labor Mitchell, several years ago, arbitrarily took it on himself to promote a policy which resulted in the elimination of ranchworkers from the bracero program. That same policy has been followed by the present administration. For that reason, my district has been deprived of the benefits of this law for several years, with but a few exceptions. Therefore, whether this bill is approved or disapproved makes very little difference so far as the effect will be on my district.

There are two reasons why I am voting for this bill today. First, because of my sympathy for those areas that are able to contract Mexican workers to take care of extremely urgent situations, such as occurs during harvest seasons involving vegetables, fruit and, in a few instances, cotton. There is a second reason, which I think is a valid one, why we should be very cautious in opposing this legislation at this time. In the old days, prior to 10 years ago, before so many restrictions were imposed upon the admission of Mexican farmworkers to meet the shortage problems, the annual inflow of permanent immigrants from Mexico was less than one-third of what it is today. Last year we admitted 55,291 for permanent residence; in 1953 the figure was 18,454. A study of the inflow during this period indicates that the rate of applications for permanent visas has had a direct relationship to the Labor Department's policies on restricting these people from coming in on a temporary, contractual basis. A total of 400,263 have been admitted for permanent residence from Mexico during this 10-year period.

I am informed that there are now about 35,000 such applications pending at the consulate in Monterrey. This is several times more than were pending 10 years ago. I assume a similar ratio exists in other consulates, particularly in northern Mexico.

Most of these Latin Americans become good citizens, but at this time when we are told that there are too many unemployed people in this country, and the Congress is being asked to spend billions of dollars to alleviate that problem, it hardly makes sense to me for us to promote a policy here today which would add to the labor force and increase unemployment. In other words, a vote against this bill here today is very definitely a vote in favor of an increase in the inflow of Mexican farmworkers—not on a temporary contractual basis, but to become permanent residents, and it would encourage the entry of wetbacks.

In my own district there has been a chronic labor shortage to meet the needs of farms and ranchers for years. Every employment office in my area will confirm that fact. It is most unfortunate that because of an unrealistic and arbitrary attitude on the part of the Labor Department, the people in my district have been deprived of this source of labor to meet their minimum needs. But we are resigned to our fate and whether this bill is passed or not will make very little difference in that respect. But it would, in my judgment, be very foolhardy for this House today to refuse to approve this extension. To do this would be to deprive people who are dependent upon this source of labor as a means to help meet their needs during harvest seasons, and would, at the same time, contribute directly to an increase in the admission of larger numbers of Mexican nationals to become permanent residents. If a bracero is deprived of the privilege of coming in by himself, without his family, under contract on a temporary basis, to do farmwork, he knows that he can go to the American consulate and, if in good health and otherwise admissible, obtain an immigration visa and come in on a permanent basis and bring his entire family with him. The question is: Which do you want—workers brought in alone on a temporary basis by themselves, or workers admitted on a permanent basis, along with their families.

The CHAIRMAN. All time having expired, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963", and inserting "December 31, 1964".

AMENDMENT OFFERED BY MR. ROOSEVELT

Mr. ROOSEVELT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROOSEVELT: Strike out all after the enacting clause and insert in lieu thereof the following: "That section 510 of the Agricultural Act of 1949 is amended to read as follows:

"'SEC. 510. No worker will be made available under this title for employent after December 31, 1963, except that during the calendar year 1964, workers may be made available under this title for employment on farms where such workers were employed during the preceding year, but only if and to the extent that the Secretary determines that every reasonable effort has been made to obtain suitable domestic labor and that such labor is unavailable for such employment.'"

(Mr. ROOSEVELT asked and was given permission to revise and extend his remarks and to proceed for an additional 5 minutes.)

Mr. ROOSEVELT. Mr. Chairman, I offer this amendment in the hope we can recognize that there seem to be three groups who have discussed this bill this afternoon. One group is a group that makes it very clear they think the law itself is necessary and should go on more or less in perpetuity.

The second group is the group who says, No, we do not think the law is sound or right, but it needs to be phased out because there are going to be people who are hurt unless a reasonable time for adjustment is allowed."

Of course, the third group consists of people who say they have had enough time and enough notice and, therefore, the law should be completely stopped now.

Mr. Chairman, I belong in the middle group, the group who believes that the law needs to be phased out because people will be hurt unless a reasonable time is allowed to make the necessary adjustment. I am satisfied from my reading of the testimony brought out before the committee and from reading the report of the committee, and from lisening to the discussion on the floor of the House here today, that it is possible to phase out this law, Public Law 78. I am satisfied by the experience in the State of Washington and in other areas that domestic labor can be made available.

There are number of reasons why our domestic labor is available and one of the reasons is the mechanical advances in this field.

But the fact remains there are a number of growers, particularly small growers who have, for a number of years, felt that we were not serious in closing out this program and who, therefore, have not been prepared and who today, if you cut this program off on December 31, would not be able to harvest their crops next year. I think we need to convince them that we are serious, and that is what my amendment does. I think, at the same time, we have to provide a reasonable escape clause so that when the Secretary is convinced by proper evidence that they are phasing out, but that they need the additional year, they will have that additional year in which to operate on bracero labor.

I think also it is important to remember that the Secretary of Labor himself has said he needs a little more time to work out the details so that the Department of Labor can help the recruiting programs such as have been mentioned in this debate to make sure that nobody gets hurt.

My friends, I think you will agree that in general I can be classified as a liberal. Some of my friends are little unhappy, on the liberal side, that I will not go all out for cutting it off December 31. I happen to think that a liberal is one who supports a principle but that he does not trample on somebody's rights just to support that principle. I think I can be for the principle and go forward with the principle and still be fair to some people who otherwise would get hurt. That is what my amendment basically tries to do.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman.

Mr. SISK. Mr. Chairman, I wish to express my deep appreciation to my colleague, the gentleman from California, for yielding. I also wish to compliment him on what I feel to be a very excellent and a fine statement of his position on this question, and his recognition of the problems that we could be confronted with by an abrupt ending of this program.

I would like to ask the gentleman one question which has to do with an interpretation of the term "reasonable" as used in his amendment.

I would like to phrase the question in this way: Does the gentleman construe the term "reasonable" in his amendment to have the same meaning as the term "reasonable" in the existing law and the requirements imposed thereunder by the Secretary of Labor?

Mr. ROOSEVELT. I will say to the gentleman I think, because it has been operated in the past with the term "reasonable" that the term "reasonable" is understood by the Secretary of Labor and that is why I used exactly the same word, and I think the Secretary should and would follow the same standards.

Mr. SISK. I thank the gentleman for yielding, and I support his amendment.

Mr. GILL. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am glad to yield to my friend, the gentleman from Hawaii.

Mr. GILL. I thank the gentleman for yielding. I would like to put several further questions to him in line with the questions put by the gentleman from California [Mr. SISK].

It has been alleged your amendment here restates existing law. It is certainly not your intention to do that, is it?

Mr. ROOSEVELT. No. My amendmend does not restate existing law, because it says:

> No worker will be made available under this title for employment after December 31, 1963, except that during the calendar year 1964.

And there it stops after the provisions follow through for that calendar year.

Mr. GILL. Mr. Chairman, will the gentleman yield further?

Mr. ROOSEVELT. Yes. I am glad to yield.

Mr. GILL. May we explore it in more detail?

Mr. ROOSEVELT. Yes. By all means.

Mr. GILL. Do you mean, then, by your proviso to say that the showing must be by the farmer himself in a given area and not just a showing for the area?

Mr. ROOSEVELT. That is correct.

Mr. GILL. He has to show personal hardship himself?

Mr. ROOSEVELT. Each individual case will have to stand on its own merits.

Mr. GILL. Therefore, do you mean that the Secretary of Labor must make a specific determination for that farmer and not blanket him in because he is in a certain labor area?

Mr. ROOSEVELT. That is true. But I do not want to say I am unrealistic enough not to expect the Secretary of Labor will do it all himself. He will set up machinery to do it. He will not go himself to see every individual farmer.

Mr. GILL. No. But the determination has to be made on an individual basis and not on a blanket basis. Is that correct?

Mr. ROOSEVELT. That is correct.

Mr. GILL. And because that one farmer in that area gets the use of braceros under your amendment does not mean that his neighbor gets the use of braceros under your amendment. Is that right?

Mr. ROOSEVELT. The gentleman is correct.

Mr. GILL. I would like to ask one further question if I may.

Mr. ROOSEVELT. Certainly.

Mr. GILL. Does "every reasonable effort," which is the language mentioned by the gentleman from California [Mr. SISK], include such things as offering comparable working conditions to the working conditions given to the braceros? I mean such things as equivalent to workmen's compensation and transportation from other parts of the country and recruiting outside the State or labor area. Are these things included in the "reasonable effort" that must be made by the individual farmer before he will qualify under your proviso?

Mr. ROOSEVELT. No, I think, as I mentioned to the gentleman from California [Mr. SISK] the guidelines will be the same as presently exist for the Secretary of Labor. There is presently—I do not know the technical term, and perhaps my friend, the chairman of the committee, would provide the word for me—a point at which domestic labor cannot be paid less than that figure or below that figure. So there is a sort of minimum wage set, and he must have at least offered that minimum wage and certainly it is one of the conditions that must be lived up to which are set out in the law today.

Mr. GILL. In other words, you are making no change in the existing law?

Mr. ROOSEVELT. Not for the year 1964, I say to my good friend, but one of the reasons I limited it to that was that the Secretary of Labor would administer it and we are at the same time giving him an admonition that he must go out and put together the machinery to do this, some of which I think my friend, the gentleman from California [Mr. COHELAN], has already offered in the form of legislation. He must put it into practice and come down here and work for it, and he must work the machinery so that available domestic labor can be organized and can be recruited on a basis which will make it available.

Mr. GILL. Will the gentleman yield for a final question?

Mr. ROOSEVELT. I will be glad to yield.

Mr. GILL. It is your intention that the efforts of the Secretary of Labor in recruiting for these farmers who show the need will be directed to the end that there will be no further use of this labor after next year?

Mr. ROOSEVELT. The gentleman is quite correct. The limitation or the ex-

ception applies only through the calendar year 1964.

Mr. GILL. If this bill comes back from conference after your amendment is adopted, with your provision for ending the labor program next year deleted from it, what then?

Mr. ROOSEVELT. If it comes back—and I presume the gentleman from Hawaii means if it comes back from conference, because I understand the Senate has already passed the bill—in the form you mention, I would then certainly fight the conference report and try to instruct the conferees, because I believe in the position of the House and I believe that the conferees who will represent the committee will fight for the position of the House. I have full confidence in them.

Mr. GILL. I thank the gentleman.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I am happy to yield to my friend from Colorado.

Mr. ROGERS of Colorado. As I understand it, the other body under the sponsorship of the two Senators from my State passed an extension to this law. If your amendment is adopted, does this bill then go to conference on the bill that was passed by the Senate, or do you know?

Mr. ROOSEVELT. I am told, and I will check with the chairman of the committee, that if we pass this bill as amended by my amendment, then the bill would go to conference.

Mr. ROGERS of Colorado. But if the gentleman's amendment is not adopted, then do we go to conference on the Senate bill?

Mr. ROOSEVELT. Let me yield to the chairman of the committee to answer that question.

Mr. COOLEY. When final action is taken on this bill I intend to make a motion to strike out all after the enacting clause of S. 1703 and insert in lieu thereof the provisions of this bill.

Mr. ROGERS of Colorado. I thank the gentleman.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. ROOSEVELT. I yield to the gentleman from Texas.

Mr. POAGE. The gentleman will understand there has been reference made to the abrupt decline in the use of braceros in the State of Texas last year. I think that was largely due to the fact of the tremendous freeze in the Rio Grande Valley with no fruit crop and very little vegetable crop to harvest. Would the gentleman be willing to accept an amendment to his amendment that would make this applicable to the farm that had used bracero labor in the past rather than simply the previous year?

The CHAIRMAN. The time of the gentleman from California [Mr. ROOSEVELT] has expired.

(Mr. ROOSEVELT (at the request of Mr. POAGE) was given permission to proceed for 1 additional minute.)

Mr. ROOSEVELT. Mr. Chairman, if I understand the gentleman's question, what he inquires is whether I would be willing to accept an amendment which would say that it was not applicable just to somebody who used braceros this year, 1963.

Mr. POAGE. But had used them any time in the past.

Mr. ROOSEVELT. I think the answer to that is "yes," because there are certain situations where in all good faith—and I happen to know at least one—a grower has gone out and tried to eliminate the use of braceros and has been successful in so doing and then, if this amendment becomes law, as I hope it will, he may find himself in such competition that for the period during this adjustment he might not be able to get the necessary labor.

Mr. POAGE. Would the gentleman say that we could change the words "the preceding year" to "a preceding year"?

Mr. ROOSEVELT. Yes.

Mr. JOELSON. Mr. Chairman, I move to move to strike out the requisite number of words.

Mr. Chairman, the point has been made here today that it is an act of mercy on your part to extend this program so that we can take care of the poor Mexican workers. Very frankly this would have a much more convincing effect on me if the people who were putting forth this point of view were not the very same people who were so vociferously last year opposing a child labor law for domestic migrant workers.

The point is made that there is an insufficiency of supply labor. Then I think we ought to do something about that insufficiency of supply. And I submit that the best way would be to pass a migratory labor law, to include farmworkers under a minimum wage law so that farm labor would not be the burdensome, grinding thing that it is today. Rather than perpetuating a program that I think is a cruel program, if we want to make American workers available for farmwork we ought to consider amending the minimum wage law to get the farmworker under it. If that day ever comes those people who are the most loudly proclaiming the advantages of the bracero program will be most vigorously opposing this amendment.

Mr. FOGARTY. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. I yield to the gentleman from Rhode Island.

Mr. FOGARTY. Mr. Chairman, I agree with the gentleman 100 percent. But there is one good thing that I see in this bill. There is a civil rights provision in this bill.

As I understand it, the people who are supporting this bill are in the position of supporting civil rights, because in order to get an agreement with Mexico we had to agree that these Mexicans can go anywhere and no discrimination shall be shown to them, for instance, in a beauty shop or many other public places of accommodation.

I would assume if the supporters of this bill are going to support it right down the line, that they will support a fair civil rights bill along with it.

So, why should we not do for our own what we are doing for these Mexican nationals?

Mr. JOELSON. I agree with the gentleman from Rhode Island and I hope these newly found advocates of civil rights will be vocal 2 or 3 weeks hence when the main bout occurs on that legislation.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. JOELSON. I am happy to yield to the gentleman from California.

Mr. SISK. I appreciate the comments of my good friend, the gentleman from New Jersey [Mr. JOELSON]. I want to say, though, that as one person who is supporting the 1-year extension, and I have said specifically that it is a phase-out program, and the gentleman may not remember it, but I was in the well of the House 2 years ago in support of a national minimum wage for farmworkers and I will continue to suport it. I would like to join with the gentleman in introducing legislation to accomplish that. For some time I have supported the situation with reference to child labor. I think the gentleman will agree with me.

I simply want to note that there are some of us who feel that there is some real justice in extending this program at least 1 year in order to phase it out. Yet at the same time I think we could find suport to correct things that I agree ought to be done in the field of farm labor.

Mr. JOELSON. I would like to say to the gentleman from California [Mr. SISK] that his credentials in this field are gilt edged. I certainly would like to acknowledge that he is one person who actually practices what he preaches and does want to have a minimum wage for farm labor.

Mr. JONES of Missouri. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on the pending amendment offered by the gentleman from California [Mr. ROOSEVELT], and in response to the inquiry by the gentleman from Texas [Mr. POAGE] as to an amendment to the amendment, I would like to make a unanimous-consent request. I have conferred with the author of the amendment.

Mr. Chairman, I ask unanimous consent that in the amendment where it says, "where such workers were employed during the preceding year," that the word "the" be changed to "a".

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

(Mr. JONES of Missouri asked and was given permission to revise and extend his remarks.)

AMENDMENT OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BASS to the amendment offered by Mr. ROOSEVELT: Add a new section: *"Provided,* That no workers under this act may be used to produce crops that are in surplus supply."

Mr. COOLEY. Mr. Chairman, I make the point of order that the amendment

offered by the gentleman from Tennessee is not germane.

The CHAIRMAN. Does the gentleman desire to be heard upon his point of order?

Mr. COOLEY. Mr. Chairman, I do not.

The CHAIRMAN. Does the gentleman from Tennessee [Mr. BASS] desire to be heard?

Mr. BASS. Mr. Chairman, the amendment, on the face of it, is germane to the bill. I do not care to be heard. I would ask the Chair to rule.

The CHAIRMAN. The Chair is ready to rule. The Chair rules that the amendment offered by the gentleman from Tennessee is germane.

Mr. BASS. Mr. Chairman, the amendment is very plain. It simply states that these braceros, workers that are imported into this country, may not be used to produce crops that are now in the warehouses, crops on which we are now paying storage prices. That is how simple it is.

Mr. Chairman, I cannot for the life of me see the justice and the equity in importing labor into the United States to produce crops on which we are now paying storage and also crops for which my own farmers in Tennessee, family farmers, would like to have additional acreage. I am speaking specifically of cotton. There are many families in the congressional district which I have the honor to represent in Tennessee who are now restricted to producing 10 acres of cotton on their family farms who would just love to have 40 acres of cotton to produce on their farm.

Mr. POAGE. Mr. Chairman, I rise in opposition to the amendment.

Mr. HANNA. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. POAGE. Yes.

Mr. HANNA. May I ask the Chairman, what would happen to Mr. ROOSEVELT'S amendment if the last amendment that has been proposed were to be adopted?

The CHAIRMAN. The Chair wishes to inform the gentleman that if the amendment offered by the gentleman from Tennessee is adopted, it would become a part of the amendment offered by the distinguished gentleman from California [Mr. ROOSEVELT].

Mr. HANNA. I thank the gentleman.

Mr. POAGE. Mr. Chairman, I believe I should call attention to the fact that this is a substitute for the Roosevelt amendment.

Mr. COOLEY. Mr. Chairman, I understood it was offered as a substitute for the Roosevelt amendment and not as an amendment to the Roosevelt amendment.

Mr. POAGE. It would take the place of the Roosevelt amendment. Whether it is a substitute for the Roosevelt amendment or an amendment thereto it will if it is adopted have the effect of killing the bill.

Mr. BASS. It is a simple amendment to a substitute. If my amendment is adopted and the substitute is adopted, the bill will contain the Roosevelt amendment and my amendment.

The CHAIRMAN. The amendment offered by the gentleman from Tennessee [Mr. BASS] provides that a new section will be added. It would be added to the Roosevelt amendment.

Mr. POAGE. Mr. Chairman, we have presented to us something, whether he calls it a substitute or an amendment, which is offered for the purpose, with the intention and with the absolute effect, if carried, of destroying the bill, and I think the author recognizes that and admits it.

Mr. Chairman, the gentleman from California [Mr. ROOSEVELT] has offered an amendment to a rather controversial bill which seems to many of us, at least, to hold the hope and the strong probability of settling the differences that exist between most Members of the House. There will be, of course, a fringe on this side and a fringe on the other side that does not want to settle anything. But the gentleman from California [Mr. ROOSEVELT] has given us the means of coming together and achieving the basic results which are wanted by most Members of the House.

Most everybody recognizes that the amendment the gentleman from California [Mr. ROOSEVELT] has presented is an amendment which holds the seed of complete compromise in solving this problem. Whether this comes as an amendment or as a substitute for the Roosevelt amendment, it would have the effect of completely destroying all harmony, of completely destroying the bill, because it relates to all crops which are surplus in the United States and in a warehouse, and warehoused. I do not know of any crop in the United States that is not warehoused.

It relates to all commodities in warehouses in the United States. If that does not cover everything in the United States I do not know what does. It covers everything from melons all up and down. It simply says that in effect you cannot have a bill. You get the name but you get no substance. That is exactly what is proposed.

This amendment is offered for the purpose of killing the bill. It would kill the bill, and it would wipe out the fine opportunity the gentleman from California has given us to get the various groups together. I do not believe the House at this stage of the game wants to wipe out the possibility of arriving at a program which will achieve the basic objectives of those who want a bill and at the same time protect the principles of those who believe that there should be a termination date in the bill. The Roosevelt amendment gives us that means. The Bass amendment gives us no opportunity to do anything; in fact, it wipes out everything in the bill. It is perfectly clear, and what I want to do is make it perfectly clear, that adoption of the Bass substitute completely and entirely wipes out the bill. Of course, all those who want to wipe out the entire bill will vote for the amendment to wipe it out, but all those who want to continue the bill for 1 year, which is what the gentleman from California [Mr. ROOSEVELT] wants, will then, of course, vote against the substitute.

Mr. LEGGETT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I would merely like to state this: I want to compliment the vice chairman of our committee for his remarks and explanation with respect to the Bass amendment. Under section 32 of the Agricultural Act the Secretary of Agriculture is empowered to buy up practically any commodity, including peanut butter, apricots, apples, and so forth, for the school lunch program, which are in surplus supply. This is the definition of the amendment offered by the gentleman from Tennessee [Mr. BASS]. It would cover all the fruits and vegetables which we need to harvest in California through this supplemental labor supply. I think the gentleman has something in mind by his amendment but he certainly has not expressed it. The amendment is in poor form and should be defeated.

Mr. BASS. Mr. Chairman, will the gentleman yield?

Mr. LEGGETT. I yield to the gentleman from Tennessee.

Mr. BASS. If the gentleman has any doubt about what I have in mind, and the amendment is poorly drawn, if he understands the language which is used in every farm bill we have had up in this Congress, the word "surplus" means, referring to agricultural commodities, those commodities that are held in warehouses and on which we are now paying support prices. It means a surplus supply on which we are now paying storage. To make legislative history, the author of the amendment now explains that his amendment applies only to those commodities that are now either under loan or are owned by the Commodity Credit Corporation that are in surplus supply.

Mr. LEGGETT. Is that a question?

Mr. BASS. No, it is not a question. I am just explaining it.

Mr. LEGGETT. I think there is a way of stating what the gentleman wants to state, but I do not think he has clarified it. I do not think he can clarify it by giving legislative history here. You have to take the amendment at its plain meaning. When you do that, you wipe out about 100 crops in California.

Mr. BASS. The gentleman just does not understand agricultural language, if that is what he thinks.

Mr. LEGGETT. I have had only 9 months at this.

Mr. BASS. I am trying to help the gentleman and explain the way agricultural language is used in these bills, and the word "surplus" is used just exactly as I have told the gentleman.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, I hope that motion passes—and it disposes of this real fast. But if it does not and the bill still remains before us—I cannot keep the Republicans from listening, but I want to talk to the Democrats—I want the Democrats all to get behind this bill

and pass it. We really ought to because the Farm Bureau is for it and they really help us Democrats out and we ought to help them out in a case like this. And then, two of the chief sponsors of the bill are the gentleman from Arkansas [Mr. GATHINGS] and the gentleman from Texas [Mr. ROGERS], they are for it and everybody knows that they go right down the line with the Democratic administration whether it be President Roosevelt, Truman, or Kennedy, and we ought to help them out.

Finally, Mr. Chairman, this might look bad, the gentleman from Iowa [Mr. GROSS] said, in print back home. If anybody here or anybody back home thinks I am not kidding—let me disabuse him of that impression because I am.

Mr. SISK. Mr. Chairman, I rise in opposition to the preferential motion.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. GROSS. I was a little surprised that the gentleman from Ohio would offer a motion to strike the enacting clause, which would kill the bill, but at the same time urge his colleagues on the Democrat side to pass the bill.

Mr. HAYS. Will the gentleman yield?

Mr. SISK. I yield to the gentleman for a moment.

Mr. HAYS. I did say I hope the enacting clause is stricken, but failing that—well, you get the point.

Mr. SISK. Mr. Chairman, I think we have reached the time of day when, perhaps, we ought to start voting on some of the proposals now before us. I have great admiration for my very dear friend, the gentleman from Ohio. I would say that he and I probably vote about 95 percent of the time together. So actually he has a very fine voting record; that is, according to my opinion.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman.

Mr. HAYS. Our voting records are not pinko or anything like that; are they?

Mr. SISK. Not that I know, the last time I checked them, I did not interpret them that way.

Mr. Chairman, let me say that for a person who has been supporting this program, and I have through the years, as I am supporting this 1-year extension today, I have never been dictated to by the American Farm Bureau. The fact of the business is that the Farm Bureau does not give me a very high rating. I am glad to support the Farm Bureau when they are right. I find myself in a position of opposing them a great deal of the time, however, because they are wrong on most issues. On this one, I join with them in seeking a 1-year extension.

With reference to how some of my colleagues have voted on various issues, I have not agreed with all of my Democratic colleagues any more than I have agreed with all of my Republican colleagues on various issues that have faced this House. But I would like to plead with my colleagues that we get back to the issue under discussion here today—a plea that I think has been made very clear. What we seek to do is to extend this program for 1 year and give the American farmers an opportunity to phase out this program and for us, in cooperation with the farmers, to come up with some answer to a problem which certainly all Americans, consumers, and housewives throughout the country should be vitally concerned with. So I would plead that the amendment which the gentleman from California [Mr. ROOSEVELT] has offered with a minor suggested change, which has been made, be adopted and that we proceed to send this bill to conference where I am sure the committee will be able to work out an equitable program which will permit a reasonable solution and bring an end to this particular program by the end of next year.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio [Mr. HAYS].

The question was taken; and on a division (demanded by Mr. HAYS) there were—ayes 50, noes 119.

So the preferential motion was rejected.

Mr. QUIE. Mr. Chairman, I rise in support of the Roosevelt amendment.

(Mr. QUIE asked and was given permission to revise and extend his remarks.)

Mr. QUIE. Mr. Chairman, I would like to ask the gentleman from California [Mr. ROOSEVELT] a question, if he would answer it, on his amendment.

When you state in the amendment that the farmer, in order to be able to hire braceros, must have hired such workers in previous years, do you mean the identical workers who were there previously, or are you, in talking about "such workers," talking about braceros in general and the whole broad program?

Mr. ROOSEVELT. Let me make very clear here I am talking about braceros and not the individual workers.

Mr. QUIE. All right. Now, if the unanimous consent request of the gentleman from Missouri [Mr. JONES] were accepted, as long as a farmer had braceros in some previous year, he could hire them in this coming year even though his crop froze out last year and he didn't hire braceros last year. Is that correct? He could still hire braceros in the coming year?

Mr. ROOSEVELT. If they satisfy the Secretary that it is the only way they could continue their operation.

Mr. QUIE. But there would be no possibility for a farmer to buy additional farms and hire braceros on those additional farms if they had no braceros working on them in previous years?

Mr. ROOSEVELT. The gentleman is correct. I am glad he is making that legislative history.

Mr. QUIE. I thank the gentleman for that.

I rise in support of the Roosevelt amendment. I think this makes it very clear what many of us have been led to understand, which is that it is only in the case when domestic workers are unable to be secured from any place that a bracero can come in and work on a farm. As I understand it, if there are domestic workers available, the braceros must stand by before they can ever find a job. I plan on voting for this 1-year extension of Public Law 78; but I think it is very important that this amendment be included in the bill when we extend the law so that those of us who are very lukewarm about this program and want to phase it out this coming year will know it will come to an end, because farmers must make plans to find the workers themselves then.

I thank the gentleman for offering such an amendment. This is the last time I will vote for an extension of Public Law 78 and this amendment is a worthwhile addition.

Mr. COOLEY. Mr. Chairman, I move to strike the last word.

(Mr. GATHINGS (at the request of Mr. COOLEY) was given permission to extend his remarks at this point in the RECORD.)

[Mr. GATHINGS' remarks will appear hereafter in the Appendix.]

Mr. COOLEY. Mr. Chairman, I want to make an observation about the pending amendment. I think it is unfortunate that the gentleman did not present the amendment to the subcommittee and the full committee when this matter was being considered. I am inclined to go along with the amendment, but frankly I question the constitutionality of the amendment. I think Federal law should fall evenly and uniformly upon all citizens. If this amendment is to be adopted, as has been pointed out, it would make it impossible for any citizen of the United States to buy a farm and employ braceros on that farm, because this amendment would preclude that and make it unlawful. In this situation you would put the Secretary of Labor in the position of administering a Federal program for the benefit of a selected number of citizens who have in the past used braceros. If they have used them in the past, they can use them in the future. If they have not used them in the past, they cannot use them in the future.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Ohio.

Mr. HAYS. Is the gentleman speaking against the Bass amendment or the Roosevelt amendment or both?

Mr. COOLEY. Both of them. I am against both of them.

Mr. HAYS. Mr. Chairman, will the gentleman yield for another question?

Mr. COOLEY. I yield.

Mr. HAYS. If the Roosevelt amendment does not pass then it will be possible for somebody to import Mexican labor to grow cotton, which is in surplus, and on which the Government is paying a subsidy and selling to foreign consumers for less than it pays for it—it will be possible for them to import Mexican labor to do that. That would be theoretically possible, if the Roosevelt amendment did not pass, is that so?

Mr. COOLEY. Theoretically possible, yes.

Mr. HAYS. Well, it could happen, could it not?

Mr. COOLEY. Certainly it could happen. But I remind the gentleman that cotton is produced under acreage allotments and the acreage is controlled. I agree with the gentleman from Texas [Mr. POAGE] with reference to the Bass amendment, and with the gentleman from California that it would be devastating to the whole program. I think the Roosevelt amendment, while it would not be devastating to the program, there is a serious question in my mind as to whether or not it is constitutional.

Mr. ROOSEVELT. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. ROOSEVELT. I want to say to the gentleman that I have discussed this with various legal authorities and they tell me that it is constitutional; that there is good precedent for it in such actions as the mine safety bill and others of that kind. From what I have been told, it would not be unconstitutional.

Mr. COOLEY. Mr. Chairman, I want to conclude my remarks by expressing the hope that we will defeat the Bass amendment. I also hope that the Roosevelt amendment will be defeated. We need only to pass the bill as reported by our committee which, as you know, provides for an extension of the program which has operated successfully and well in the past. If the program is discontinued we will go back to the old days of "wetbacks." Mexicans desiring to work on American farms will rush across the border and will be exploited as they were exploited before the program was provided. At this season of the year a Mexican worker would not have to be a good swimmer. He could actually wade across the Rio Grande. When we do away with this program we will be forced to spend millions of dollars apprehending Mexicans who have illegally entered our country and we will have to return them to Mexico. Officials of our Government and officials of the Republic of Mexico regard this program as of great importance. I, therefore, urge the defeat of all amendments to our bill. When final action is taken I will call up the Senate bill and move to strike out everything after the enacting clause and insert the provisions of the bill now under consideration.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, I am afraid that a good deal of the discussion on this highly emotional issue has not been on the central point. The real central point involved here is what kind of agriculture are we going to have in the future? Are we going to have family type farming or factory type farming? I think the factory type farm is both inefficient and socially undesirable. It was Karl Marx who a little over a hundred years ago said that the family type farm would soon disappear. Fifty or 60 years later, the Communists took over in Russia and they have tried the factory type farm. It has not worked. It has been inefficient in addition to being socially undesirable.

The old plantation could not survive the abolition of slavery in this country, and many of the people who use the braceros are admitting today that they cannot survive the abolition of the bracero program. I think it is an undesirable program and that we should stop it; but, at the same time I think it is just not fair to say that it ought to be stopped in 60 days. These producers have put in their crops or proceeded with plans based upon the actions of this Congress for at least 10 years. They have gone forward on the assumption that this program would be continued for another year.

The real question we have involved here is whether or not we are going to have an efficient agriculture. To have an efficient agriculture agricultural producers must have a flexible labor supply. In the family type farm, at a peak demand for labor, the family can produce 8 or 10 man-days of labor per day.

The farmer will work two shifts himself and twice as hard as a hired man will. The rest of the family on a short term basis will provide several additional man-days of labor. Although the average workweek on a family farm may be 60 hours per week, the whole family is available when seasonal demands increase. On the other hand, the factory type farm would be unable to keep these people on the payroll the whole year in order to have them at the peak season or to pay a sufficient annual salary to have them available and if they did it would be most inefficient. One cannot expect them to come out of the bushes just when they are needed. The factory type farm is an inefficient type of operation and should not survive. When this program stops, many of these large producers and processors can obtain their produce through leases with family type farmers, breaking down factory type operations into a number of more efficient family type units or mechanize.

Mr. HAYS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman.

Mr. HAYS. I think the only sensible argument that has been made here today is the one that the gentleman has made, that these people ought to have some notification of the discontinuation of the program. I have heard it said that if the program is not continued they would come in illegally, so that we ought to legalize it. In other words, if we have bank robbers, to keep them from operating illegally, we ought to legalize them. That argument does not hold water. The gentleman's argument does hold water.

My question to him is, Can he or anybody on the Committee on Agriculture give us any assurance that if this 1-year extension does pass these same people will not be back here next year with a bill, to extend it for another year, and then another year and then another year, and so on ad infinitum?

Mr. SMITH of Iowa. Of course, I cannot give that assurance. I had a substitute that I was going to offer providing for a 2-year phaseout program. I think that is reasonable. I do not think it can be done in 1 year. But I think it should be and must be done over a 2-year period.

Mr. HAYS. It is not going to be done as long as they can get an extension.

Mr. SMITH of Iowa. Unless we put it right in the bill, and that is what the Roosevelt amendment does.

It puts it right in the bill at the time we are passing the extension. So, there is full notification to everybody.

Mr. Chairman, another thing I want to say is that wage levels are really not what is involved here. If bracero labor worked for free, it would not reduce the price of lettuce or most perishables of that nature. But if we have a shortage of lettuce next year at harvest time, the price will go up. Reductions in price are seldom obtained from reduced cost because it is supply that determines price, and prices will surely go up if a shortage of harvesters causes a shortage of vegetables on the market next year.

Mr. Chairman, I am going to vote against this bill unless the Roosevelt amendment is adopted, because I think the only way we can get this thing stopped and our sights reoriented is to vote against it unless there is a formula right in the bill to this effect.

Mr. Chairman, I urge the members of the committee to support the amendment and correct this situation.

Mr. MAHON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. MAHON. Would the gentleman vote against the Bass amendment which chops the program off for a considerable number of those who have used it in the past?

Mr. SMITH of Iowa. I do not think the question involved has anything to do with what kind of crop it is for next year, because after all the producers who put in cotton put it in under the same assurance, under Federal legislation, as any other farmer put in any other crop.

Mr. MAHON. If the gentleman will yield further, the Bass amendment, if it is adopted, will chop off the program for certain producers. In my opinion it would destroy the program.

Mr. SMITH of Iowa. I am not for the program. But I do not think it is fair to discriminate between cotton farmers and other farmers next year.

Mr. OLSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. OLSON of Minnesota. Were these employers who are users of braceros given notice 5 months ago?

Mr. SMITH of Iowa. No, I don't think they have been given notice. The only effective notice is that notice which is given by the action of Congress in the laws which it passes. We have never enacted a law which said we would not extend this program.

Mr. OLSON of Minnesota. What was it?

Mr. SMITH of Iowa. We had a vote in the House of Representatives but the Senate did not pass that bill. If you say that constitutes notice, you can say that the Senate gave them notice it would be extended when they passed an extension. They have always been given notice or indications that they will have

it for another year because we extend it by simple extensions. But we never did pass a bill with a definite formula for termination such as the one which has been proposed in the Roosevelt amendment. I urge the adoption of the Roosevelt amendment.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate close on the pending amendment and all amendments thereto in 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. ROSENTHAL. Mr. Chairman, I object.

Mr. COOLEY. Mr. Chairman, I move that all debate on this amendment and all the amendments thereto close in 15 minutes.

The motion was agreed to.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. HAYS] for 1½ minutes.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Chairman, I yield my time of 1½ minutes to the gentleman from North Carolina, the chairman of the Committee on Agriculture.

Mr. HAYS. Mr. Chairman, I think the crux of the matter here has been exhibited when nobody on the Agriculture Committee, neither the chairman nor the ranking member, would get up and say if this bill passes with or without the Roosevelt amendment for a year's extension that they will not be for another year's extension. Else, they will be back again and again. The very fact that they did not get up and say that they will not be back is sufficient notice that they will be back.

Mr. Chairman, we killed this bill once before in the House of Representatives. But they are adroit, they are hardworking and persistent, and here they are. In May we killed it. Mr. Chairman, it is a little like the "September Song." If we had finished our business before September, we would never have come back on this bill. It is too bad that we did not.

Mr. Chairman, I think we ought to be guided by the fact that they are going to be back next year. They admit it by refusing to say they will not.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. HAYS. I yield to the gentleman.

Mr. LEGGETT. Is the gentleman from Ohio cognizant of the fact that there was participation in this program to the extent of 450,000 3 years ago and that it was down to 195,000 last year?

Mr. HAYS. I am aware of that, and I heard the gentleman get extension after extension and argue for this bill. The longer I listened to him the more I became convinced that if his conscience is as twisted as his logic he is in bad shape.

The CHAIRMAN. The Chair recognizes the gentleman from Ohio [Mr. FEIGHAN].

(Mr. FEIGHAN asked and was given permission to revise and extend his remarks.)

Mr. FEIGHAN. Mr. Chairman, the Government-sponsored program to import foreign agricultural workers runs contrary to our national needs and interests.

If there were a labor shortage in the United States those programs could be justified. But there is no labor shortage in the United States. On the contrary, unemployment in the United States remains a serious and unresolved problem.

The total unemployed in the United States at the end of September 1963 was 3,516,000. Significantly, the total unemployed at the end of September 1962 was 3,512,000, reflecting an insignificant drop of 4,000 unemployed workers during the course of 1 year.

Looking at these unemployment trends in the United States, it is fair to ask who can justify the importation of not less than 200,000 foreign agricultural workers from Mexico into the United States each year?

The argument has been advanced that these imported workers fill jobs the unemployed citizens of our country will not take. I challenge that argument.

Hearings before our Subcommittee on Immigration and Nationality on this subject revealed that the U.S. Employment Service is required to certify the unavailability of domestic workers before these imported workers may be used.

The procedure involved in determining the unavailability of domestic workers is very questionable. In the main it consists of a canvass of USES offices locally, and on a State and regional basis, to determine whether any domestic agricultural workers are seeking employment. An operation of this type can become very routine, particularly where action is required to persuade such domestic workers to move from one labor market area to a new one. I underscore the phrase persuade because there are no inducements offered, such as those provided for imported foreign workers. It is important to note in this connection that imported foreign workers are at least protected by a contract which guarantees a minimum hourly wage of $1, shelter and maintenance, free transportation to and from their place of employment and exemption from paying either State or Federal taxes on their earnings in the United States. Such inducements are not offered to our domestic farm workers, and worse, they are frequently working side by side with imported workers while receiving 60 to 75 cents per hour for their labors.

The bracero program is heavily subsidized by the U.S. Government. Over the past 5½ years subsidy programs for imported Mexican workers have cost the American taxpayers approximately $30 million.

This is subsidized discrimination aginst our domestic agricultural workers.

It is little wonder that President Kennedy, when signing the 1961 extension of Public Law 78, took note of the adverse effect of imported farmworkers on our domestic agricultural work force. The adverse-effect rates of pay established as a consequence of the President's concern have not solved the basic issue involved. The basic issue remains the same as it was in 1961—how can we justify the importation of foreign labor when our country is faced with the problem of acute and chronic unemployment?

It is time concerted attention was given by the Government to linking up the needs of unemployed youth in our cities and metropolitan centers with the labor requirements of our agricultural economy. Alarm has been expressed about the growing rate of delinquency and crime in our urban centers. Much of this trend is traced to unemployment of our youth and little hope of finding work for unskilled youth and school dropouts. There is no escaping the fact that youth with idle hands and minds are tempted into unhealthy behavior patterns and habits. Agricultural work is a healthy enterprise and it could be made attractive for our unemployed youth. With a little imagination, a real spirit of adventure, a pioneer spirit of moving toward new frontiers could be built into this proposed program. It should be a part of our national youth fitness program because it is a natural for the development of strong, healthy citizens.

I hope the administration will give this opportunity the support it merits.

To extend the Mexican farm labor program for another year is to delay for another year in facing up to the basic issue. Our country cannot afford such a delay. We must face that issue now. The unemployed in our country can meet the needs of our agricultural economy and it is up to the Department of Labor to take such steps as are necessary to effectuate such a program.

I urge a vote against extension of the Mexican farm labor program.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. MARTIN].

Mr. MARTIN of California. Mr. Chairman, with all due respect to my colleague the gentleman from California [Mr. ROOSEVELT], his amendment is playing with fire. We are talking about individuals here. There has been no evidence adduced before this committee to know which individuals you are talking about.

It appears to me that you have ignored the one main issue—that is, if you believe this program should be extended, it is manifestly unfair not to extend it to all citizens alike. We do not know who this will be applied to, and I say all citizens should have access to this program should the committee see fit to extend it.

I respectfully request of my colleagues that we get down to the business of deciding whether we ought to extend the program or not. I respectfully request all of you to seriously consider voting against the Roosevelt amendment and the amendment offered by the gentleman from Tennessee [Mr. BASS].

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Chairman, the issue before the House is whether or not we shall extend the bracero law for 1 year. The bracero law is administered by the Department of Labor. An effort has been made here to compromise by the gentleman from California [Mr. ROOSEVELT] and others. The gentleman from

Tennessee [Mr. BASS] has offered an amendment which would discriminate against certain crops which he says might be in surplus supply. This would discriminate against people in certain areas, and it would rob the Department of Labor of flexibility in administering the program. It would be a rank injustive to many farmers and producers in certain areas, certainly in my area. I hope that the Members of the House, regardless of how they vote on final passage of the bill will vote down the Bass amendment, and we will then have a clearcut decision on whether or not we will extend this program for 1 year.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. O'HARA].

Mr. O'HARA of Illinois. Mr. Chairman, morality cannot be weighed on the scale of expediency. In May we voted this bill down on the ground of sound economy and sound morals. Nothing has happened. It is the same evil bill, and we are asked to pass it on the argument that while stealing is wrong the repentant should be given another year to become accustomed to the ways of rectitude. It is well that this is the eve of Halloween. If the bill should pass, this day will be imprinted in my memory as the Halloween of the stolen pumpkin.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. CORMAN].

(Mr. CORMAN asked and was given permission to revise and extend his remarks.)

Mr. CORMAN. Mr. Chairman, when the Members get through hearing the California liberals here today, they will know we are not a monolithic group.

I am opposed to the amendment and I am opposed to the bill. I have difficulty swallowing it whether you say to the farmer, "You can have this program only 1 more year," or you say to him, "You can not have it any more except for 1 more year."

I do not believe there was any indication in the committee that this is a 1-year extension. This is a 1-year breather so that they can come back and get it again next year, hopefully for 2 years, but if not that, then 1 more year. I hope the bill will be defeated.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Chairman, I would like to make one or two observations.

I want the House to know that I am very much troubled by the amendment that is pending, because in my own heart there is nothing I would prefer more than to be able to support it. It seems to me that if we could really put together a program, as I have proposed with others in previous years, which would really end the program, I can assure you that I would support it. However, I want to call to your attention some of the difficulties that are involved in the amendment.

In the first place, the administration has pointed out that the bill in its present form they do not accept. The gentleman from California [Mr. ROOSEVELT] pointed out in colloquy with the gentleman from Hawaii [Mr. GILL], that any terms or conditions that are provided for the braceros would not apply under the terms of this phaseout to domestic workers. I think we still have the basic imbalance continuing. It seems to me that if that were the only thing we still might be able to rationalize it. But then there is the question of what happens when the bill goes to conference. I suggest that Mr. ROOSEVELT'S amendment will probably be dropped in conference.

I have supported phaseout amendments in the past and would support this one if I really thought it would become law. I regret to say I do not think this will happen.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. ROSENTHAL].

AMENDMENT OFFERED BY MR. ROSENTHAL

Mr. ROSENTHAL. Mr. Chairman, I offer an amendment which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. ROSENTHAL as a substitute for the amendment offered by Mr. ROOSEVELT: Strike out all after the enacting clause and insert in lieu thereof the following: "That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out 'comparable to those offered to foreign workers' and inserting in lieu therof ', including workmen's compensation or occupation insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers'.

"SEC. 2. Section 510 of such Act is amended by striking out 'December 31, 1963' and inserting in lieu thereof 'December 31, 1964'."

Mr. ABBITT. Mr. Chairman, I ask unanimous consent that the first section of the amendment be reread.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk again read the first section of the amendment.

Mr. ABBITT. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. ABBITT. Mr. Chairman, I make a point of order against the amendment for two reasons.

Mr. Chairman, first, I make the point of order that the amendment to section 503 of Public Law 78 is not germane to H.R. 8195, on the basis that the amendment being offered to section 503 deals not with a proposition providing for Mexican farm labor, but rather with a proposition providing for domestic migratory labor, and is within the purview of the precedents set forth in sections 2953, 2954, and 2955 of volume 8, Cannon's Precedents.

Section 2953 states:

To a proposition providing for a class, a proposition providing for another related class is not germane. To a bill for the relief of dependents of men in the Regular Army an amendment proposing to extend the benefits of the act to dependents of men in the National Guard and the Reserve Corps was held not to be germane (Dec. 3, 1919).

Section 2954 states:

To a provision authorizing distribution through the Red Cross an amendment providing for distribution through the Saivation Army was held not germane (Mar. 3, 1932).

Section 2955 states:

To a bill providing for the erection of a statue of General von Steuben on amendment substituting a proposition for the erection of a statue of George Washington was held not to be germane (Feb. 10, 1910).

These precedents all point to a similar situation before the Committee today. Regular Army dependents, the Red Cross, General von Steuben, and Mexican laborers are all generally related to National Guard dependents, the Salvation Army, George Washington, and domestic farmworkers respectively, but none is germane to the other in legislation.

Public Law 78 is a law set up to deal with the importation of Mexicans into this country to work in the production of crops in the field, and it covers the contracting conditions and the working conditions that these workers are to be employed under as an agreement between the Government of the United States and the Government of Mexico.

Section 503 of the act deals with the conditions under which the Mexican laborer will be allowed to work. This requires that the imported labor not be allowed to work until the conditions of this section are met.

The proposed amendment should be considered in a separate bill covering working conditions of American workers, and should be considered by the Education and Labor Committee. The House will, in effect, if this amendment is held germane, be enacting legislation as an amendment to Public Law 78 that will have widespread effect on the domestic labor force.

Mr. Chairman, I therefore raise the point of order that the amendment, as offered to section 503, is a proposition providing for a related class and is not germane.

Mr. Chairman, I also make the point of order that the amendment to section 503 of the act is not germane to the bill, H.R. 8195.

The bill simply extends a program which deals with a class of farmworkers, in this case Mexican nationals. The amendment deals with an entirely different class of workers—U.S. citizens who are migratory farm laborers. The amendment is not in order and would change the entire concept of this program.

As precedent for this point of order I cite the CONGRESSIONAL RECORD of July 17, 1963, at pages 12087 and 12088 where I made a point of order against an amendment by the gentleman from Illinois [Mr. FINDLEY] to H.R. 101, a bill to extend for 2 years the definition of boiled peanuts.

At that time I stated as follows:

Mr. ABBITT. Mr. Chairman, I make the point of order that the amendment is not germane to the bill.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ABBITT. Mr. Chairman, the bill simply deals with a class of peanuts. I make the point of order that the amendment is not germane. The bill simply deals with a class of peanuts. The amendment deals with an entirely difference class, and is not in order, as it would change the entire concept of the legislation as well as wipe out the peanut program. For that reason, the amendment is not germane to this bill that is before the House.

In response to my point of order the Chairman [Mr. FLYNT] ruled as follows:

The CHAIRMAN (Mr. FLYNT). The Chair is prepared to rule.

The gentleman from Illinois has offered an amendment to the pending bill. As a general rule, one individual proposition may not be amended by any other individual proposition, even though the two may belong to the same class.

The Chair quotes from volume 8, section 2948, the following:

"To a bill amendatory of one section of an existing law an amendment proposing further modification of the law was held not to be germane.

"On December 20, 1919, the Committee of the Whole House on the State of the Union was considering the bill (H.R. 11224) to amend section 1 of the act approved October 16, 1918, providing for deportation of alien anarchists.

"Mr. Benjamin F. Welty, of Ohio, offered an amendment proposing to add to the existing law a new section to be known as section 4.

"Mr. Albert Johnson, of Washington, made the point of order that the amendment while germane to the existing law was not germane to the pending bill."

Accordingly, the Chair sustains the point of order made by the gentleman from Virginia [Mr. ABBITT].

Mr. Chairman, the same procedural situation is at hand again. The proposed amendment is of an entirely different class.

Mr. FINDLEY. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. FINDLEY. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The gentleman is recognized.

Mr. FINDLEY. Mr. Chairman, I would like to cite for the consideration of the Chair the ruling of the Chair on July 17, 1963, as reported on page 12088 of the CONGRESSIONAL RECORD.

The bill before the committee on July 17, continued for 2 years a separate act which exempted boiled peanuts from marketing quotas.

The bill before us today would continue for 1 year a separate act establishing the Mexican farm labor program.

The amendment I offered to the peanut bill broadened the definition of peanuts. It was held not germane on this ground: To a bill amendatory of one section of an existing law an amendment proposing further modification of the law is not germane.

The amendment before the committee at this time, like my amendment on the peanut bill, proposes further modification of a different section or paragraph of the law.

The bill before us amends section 510. The amendment offered would amend section 503.

The peanut bill amended an act which had only one section, consisting of two paragraphs. The bill amended the second paragraph.

My amendment, which was ruled not germane, applied to the first paragraph.

Therefore, if the ruling of the Chair on July 17 was valid, then there can be no doubt that the amendment now before the Chair is not germane.

If the Chair rules that the pending amendment is germane, then I can see no other conclusion than that the Chair was in error in ruling that my amendment to the peanut bill was not germane.

The CHAIRMAN (Mr. NATCHER). The Chair is ready to rule.

Under the rule of germaneness, an act continuing and reenacting an existing law is subject to amendment modifying the provisions of the law carried in the act.

The Chair rules that the amendment is germane, and the point of order is overruled.

Mr. FINDLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. FINDLEY. Does it then follow, Mr. Chairman, that the basis for the ruling of the Chairman on my amendment to the peanut bill on July 17 was in error?

The CHAIRMAN. The Chair would inform the gentleman from Illinois that that ruling could not apply in this particular instance because it turned on a different question.

The gentleman from New York [Mr. ROSENTHAL] is recognized.

Mr. ROSENTHAL. Mr. Chairman, the amendment that I have offered substitutes the Senate bill for the House bill. It adds on certain conditions the Senate added on by virtue of amendment in that body as follows: to give to American farmworkers the same exact conditions and benefits that we give Mexican farmworkers.

I would like to take the time of the committee to read a letter dated October 30, 1963, from the Secretary of Labor to me. It reads as follows:

The administration has continued to maintain the position I indicated before the House Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture on March 27. We support a 1-year extension, provided the act is amended to require employers seeking to obtain Mexican workers to demonstrate that they have offered to domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses equivalent to that furnished Mexican workers.

We are opposed to an extension without these amendments.

That is my position, Mr. Chairman. If these amendments are adopted and we are willing to give American farmworkers the same privileges we give Mexican farmworkers, then I am agreeable and will urge an extension of this program for 1 year.

Mr. FOGARTY. Mr. Chairman, I rise in support of the Bass amendment. I cannot understand how anybody on the Republican side, who voted to cut out the farm bill that was passed this year, can vote for this kind of legislation. Already in 1962 the Government has purchased over $350 million worth of cotton. We have paid over $100 million for storage, and here we are today asking to bring in cheap foreign labor to produce the same results as we did in 1962 and 1963. This same kind of cheap labor is being used in the sugarbeet industry, and as a result of that we have the high cost of sugar in our country which can be attributed to this program that you are asking us to pass today. If we pass this program for another year, we are going to extend the old farm bill. We are going to pass on to the taxpayers of this country a bill of $1 billion that we are paying under the farm bill today in taxpayers' money. I thought this was supposed to be an economy-minded Congress, but with this kind of a cheap labor bill you are going to saddle the taxpayers with a debt they will never pay off. By voting for this bill you are voting to keep our migrant workers in bondage, and keep their wages, health, and housing standards frozen. This is slavery in every sense of the word.

We should be ashamed of ourselves for even considering this type of legislation so late in this session. God help the migrant workers of our country.

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I shall not prolong the debate, but I want to move that these amendments be defeated. I think it is in the interest of the program to defeat all of these amendments and take this bill as presented by the House committee. The pending amendment offered by the gentleman from New York was thoroughly considered in the committee and was defeated by a vote of 28 to 4.

Mr. LEGGETT. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from California.

Mr. LEGGETT. I believe we thoroughly showed before the subcommittee that the amendments that have been acted on by the Senate had not been thoroughly considered by the Department of Labor and their function had been accomplished actually by existing regulations which have been published at the time of the Senate debate. They cannot tell us whether these amendments would require that we pay compensation in the form of housing allowance and transportation allowance to commuters and a whole host of other people that the farmers naturally work with. They are vague, and I am sure the author does not agree with the Department of Labor. There has been no adequate explanation of the amendment, and I ask that that particular amendment be defeated.

Mr. COOLEY. Mr. Chairman, I want to say further if you adopt this amendment, what you are doing actually is embarking on an entirely new program

for 1964 which deals entirely with domestic workers. We have a program dealing with foreign workers, and now the gentleman from New York wants us to embark on another program dealing with these foreign workers. I ask for the defeat of this amendment.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Tennessee [Mr. BASS].

The question was taken; and on a division (demanded by Mr. BASS) there were—ayes 83, noes 139.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the substitute offered by the gentleman from New York [Mr. ROSENTHAL] to the amendment offered by the gentleman from California [Mr. ROOSEVELT].

The question was taken; and on a division (demanded by Mr. ROSENTHAL) there were—ayes 79, noes 131.

So the substitute was rejected.

The CHAIRMAN. Now the question now recurs on the amendment offered by the gentleman from California [Mr. ROOSEVELT].

The question was taken; and on a division (demanded by Mr. ROOSEVELT) there were—ayes 89, noes 109.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BASS

Mr. BASS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BASS: On page 1, line 5, after "1964" strike out the quotation mark and the period and insert a colon and add the following: "*Provided,* That no worker under this act may be used in crops that have acreage controls and are in surplus supply."

Mr. COOLEY. Mr. Chairman, I make the point of order that the amendment is not germane. It is identical to the amendment which was offered earlier and which was just defeated.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. BASS. Mr. Chairman, I would like to say to the chairman of the Committee on Agriculture, the gentleman from North Carolina [Mr. COOLEY], that it is an amendment which is offered to the main bill. The other amendment was offered to the substitute. Now it is offered to the main bill.

The CHAIRMAN. The Chair would like to inform the gentleman from North Carolina that this is an amendment now offered to the bill.

Mr. COOLEY. That is right, Mr. Chairman, but the other one was an amendment to an amendment to the bill. So what is the difference?

The CHAIRMAN. Under the rules of the House the gentleman from Tennessee may now offer his amendment.

Mr. COOLEY. Mr. Chairman, will the gentleman from Tennessee yield for a unanimous-consent request?

Mr. BASS. I yield to the gentleman from North Carolina.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BASS. Now, Mr. Chairman, this amendment is very similar to the one I offered previously. It is a little bit different because this time, since there was some discussion about the question of what a surplus commodity was, this time I included the term "acreage allotments" so there could be no question about this amendment at all.

In other words, if we have acreage allotments and if the commodity is in surplus, these workers cannot be used.

Mr. Chairman, I want to point out to my friends on the Republican side of the aisle that I observed when they voted on my amendment a while ago they did not stick to this old economy line that they have followed. However, I could be wrong. My eyes are good and I did not observe a single Republican voting for this economy amendment.

Mr. Chairman, what is proposed to be done through this amendment is to stop importing foreign labor to produce crops and put them in the warehouses on which to pay storage prices. Also, it stops importing labor to produce crops on which we are paying 8 cents a pound subsidy for the benefit of the foreign importers. In other words, a man can buy cotton in the U.S. market, if he lives in Japan, at 8 cents a pound cheaper than a textile manufacturer can buy it in the United States.

If you oppose this amendment you are voting to pay a subsidy for a crop that is being raised and harvested by farmers who are being imported from a foreign nation. This is nothing but simple wastefulness. It is throwing money down the drain.

If you have any serious intention of trying to save money you will stop importing labor to produce crops that my farmers in Tennessee cannot get acres to produce them, that are being put into warehouses and the Government paying $1 billion a year storage.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. BASS. I yield to the gentleman from Indiana.

Mr. HALLECK. Of course, I must say I am a little surprised at the gentleman undertaking to lecture this side of the aisle.

Mr. BASS. I want you to join me.

Mr. HALLECK. Let me point out that the 8.5-cent subsidy could be corrected by a stroke of the pen of the Secretary of Agriculture if the Kennedy administration would see fit to do it.

Mr. BASS. I disagree with the gentleman. It could be corrected by a bill that is now before the Rules Committee. If the five Republican members on the committe would vote for it we could get the bill on the floor next week.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BASS].

The question was taken; and on a division (demanded by Mr. BASS, there were—ayes 95, noes 134.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending bill and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi [Mr. WHITTEN].

(Mr. WHITTEN asked and was given permission to revise and extend his remarks.)

Mr. WHITTEN. Mr. Chairman, one of the sad things I see developing in the Congress, since we have been in session so long this year, is the wedge which is being driven between those who might be termed consumers and those engaged in agriculture. It has been my privilege for 12 to 15 years that I have been a Member of this House to preside over the subcommittee handling the overall agricultural appropriation bill. Mr. Chairman, where else in the world will we find 8 percent of the people who can and do provide food for the other 92 percent so they, in turn, can produce television sets, radios, automobiles, air conditioning, and everything else, as we do in the United States?

Mr. Chairman, we have laws for industry, labor and agriculture. This law affects all. We must continue this law enabling some farmers to harvest their crops for another year. It does not affect my district any more than it does yours, for we do not use any braceros in my area or my State. But involved here is the question of whether the 92 percent want to upset the ability of that 8 percent, and thereby themselves, to produce the food and fiber for a nation that pasy for it a smaller percentage of its income than any nation ever did before. Involved is not the matter of price-supported commodities or nonsupported commodities, for again, perishables have the best price support of all. May I say to those from the fruit belt, or the vegetable people, do not be "holier than thou," for you have the best price support ever conceived. You have a program where section 32 funds—30 percent of import duties—are used to buy up your surpluses, and you then get your price at the marketplace. Believe me, the storable commodity group would like to trade places with you. Really, the basic commodities, where some can be stored for 50 years, must be treated differently from perishables. Where there is an oversupply, one year will not be in the way of the next year's crop. Involved here is how are we going to harvest some crops, some years, for all of us.

In my State, a few years ago after World War II, we brought into that area some Slavic people from central Europe. I asked one man how it was working out. He said, "It has been bad. It is setting a bad example for the home people." He said, "These folks will work."

We have millions of Americans who just would not do this kind of work, whatever the pay.

You know that with many of these crops, perishable crops particularly, you have to gather the crop when it is ripe. If you do not it is gone, and if it is gone and you create just a little shortage, prices go up tremendously. If your Government had not had a frozen citrus program, the price of oranges would

have gone out of sight when we had the freeze last year. A little surplus or a little shortage can double or reduce prices to consumers by 100 percent. For instance, if you have seven units of a commodity and eight men are trying to get that seven, they will run the price sky high. The records prove that. On the other hand, if you have eight units which must be sold and only seven buyers, the eighth man who must sell will break the price for all.

There are a whole lot of complexities in this farm program we have. It is absolutely essential that we maintain a balance in income between industry, agriculture, and labor. I recognize that the Government pays out lots of money trying to keep things in balance in agriculture, by buying up surpluses for perishables when the market is depressed and releasing shortages when necessary so as to shore up prices, and by loans on storables—basics. I also recognize that when you have minimum wages and the bargaining rights of the labor unions, they, too, increase their take of the consumer's—taxpayer's—dollars. The difference is that their increased take is passed on to the consumer through the retail price paid by all of us.

So we are all, or at least most of us, are trying to keep a proper balance. The farmer's share shows more than that of labor and industry where labor costs and markup are passed on as an unidentifiable part of the retail price.

Here is the point. When a man has a crop and it is ripe, and he cannot get labor to harvest it, it is lost—both for him and the consumer. He may go out of business, along with others, then where are the consumers—who are not farmers and who live in our cities—going to be? I believe, by all means, you should extend this law for 1 year. At least you give to the Secretary of Labor time to try to bring forward some plan where surplus labor in one area of the United States may be available to gather the crops in these labor shortage areas where they have their crops and no labor there to harvest them.

So I say again, involved in this is not a case of importing labor as such; involved is a means to protect the food supply in the perishable field where shortages will make many of these commodities unavailable to your city consumers and to prevent the tremendous competition resulting in greatly increased prices for the rich, who can buy regardless of price. Believe me, if you do not extend this law 1 year, you easily could have a shortage and skyrocketing prices. Most Americans will not do this kind of work no matter what the pay. As a lawyer, I am convinced this is not something you are doing for the producers as such; it is an action necessary to maintain reasonable prices for food and clothing for your consumers.

I trust and hope you will help us keep it, so 8 percent can give our remaining 92 percent the finest, cheapest, and most plentiful food any nation ever enjoyed.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 8195) to amend section 510 of title V of the Agricultural Act of 1949, as amended, pursuant to House Resolution 544, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. KYL. The gentleman is opposed to the bill, Mr. Speaker.

The SPEAKER. The gentleman qualifies.

The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KYL moves to recommit the bill, H.R. 8195, to the Committee on Agriculture.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. ROSENTHAL. Mr. Speaker, on this vote I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 173, nays 158, answered "present" 6, not voting 96, as follows:

[Roll No. 189]

YEAS—173

Abbitt	Ellsworth	Leggett
Albert	Everett	Lipscomb
Alger	Fascell	Lloyd
Anderson	Findley	Long, Md.
Andrews, Ala.	Fisher	McCulloch
Andrews, N. Dak.	Flynt	McDade
Arends	Ford	McFall
Aspinall	Foreman	McIntire
Avery	Fountain	McLoskey
Baldwin	Frelinghuysen	McMillan
Barry	Friedel	Mahon
Battin	Fulton, Pa.	Mailliard
Beermann	Gary	Marsh
Belcher	Gathings	Martin, Calif.
Bell	Goodell	Martin, Mass.
Berry	Goodling	Matthews
Betts	Griffin	Meader
Bolton, Frances P.	Gross	Minshall
Brock	Gubser	Morris
Bromwell	Gurney	Morton
Broomfield	Hagen, Calif.	Moss
Brotzman	Haley	Nelsen
Brown, Ohio	Hall	Norblad
Broyhill, N.C.	Halleck	Passman
Broyhill, Va.	Hanna	Patman
Burleson	Hardy	Pillion
Casey	Harrison	Poage
Cederberg	Harsha	Poff
Chamberlain	Harvey, Ind.	Pool
Chelf	Harvey, Mich.	Purcell
Chenoweth	Hemphill	Quie
Clausen, Don H.	Henderson	Reifel
Clawson, Del	Hoeven	Rhodes, Ariz.
Collier	Hosmer	Rivers, S.C.
Colmer	Hutchinson	Rogers, Fla.
Cooley	Jarman	Rogers, Tex.
Corbett	Jensen	Rumsfeld
Cramer	Johansen	Schadeberg
Curtis	Johnson, Calif.	Schneebeli
Dague	Jonas	Schwengel
Davis, Ga.	Jones, Ala.	Selden
Davis, Tenn.	Jones, Mo.	Sheppard
Derwinski	Keith	Short
Dole	Kilgore	Sisk
Dorn	King, N.Y.	Smith, Calif.
Downing	Knox	Smith, Va.
Duncan	Laird	Springer
	Landrum	Staebler
	Langen	Steed
	Latta	Stephens
Stubblefield	Udall	Whitener
Taft	Utt	Whitten
Talcott	Van Deerlin	Wickersham
Teague, Calif.	Van Pelt	Widnall
Teague, Tex.	Vinson	Williams
Thompson, Tex.	Waggonner	Willis
Thomson, Wis.	Weaver	Wilson, Bob
Trimble	Whalley	Younger
Tuck	Wharton	

NAYS—158

Addabbo	Gray	Olson, Minn.
Ashley	Green, Oreg.	O'Neill
Barrett	Green, Pa.	Osmers
Bass	Grover	Ostertag
Bates	Halpern	Patten
Beckworth	Hansen	Perkins
Bennett, Fla.	Hawkins	Philbin
Bennett, Mich.	Hays	Pike
Blatnik	Healey	Powell
Boggs	Hechler	Price
Boland	Holifield	Pucinski
Bolton, Oliver P.	Holland	Quillen
Brademas	Horton	Reid, N.Y.
Bray	Huddleston	Reuss
Brooks	Hull	Rich
Burke	Ichord	Rivers, Alaska
Burkhalter	Jennings	Robison
Byrne, Pa.	Joelson	Rodino
Cahill	Johnson, Wis.	Rogers, Colo.
Carey	Karsten	Rooney, N.Y.
Clancy	Kastenmeier	Rooney, Pa.
Clark	Kee	Roosevelt
Cleveland	King, Calif.	Rosenthal
Cohelan	Kirwan	Rostenkowski
Conte	Kunkel	Roudebush
Corman	Kyl	Roush
Cunningham	Lankford	Roybal
Curtin	Libonati	Ryan, N.Y.
Daddario	Lindsay	St. George
Delaney	McClory	St Germain
Dent	McDowell	Saylor
Denton	Madden	Schweiker
Devine	Mathias	Secrest
Diggs	Matsunaga	Senner
Dingell	Michel	Sibal
Dulski	Milliken	Sickles
Dwyer	Minish	Slack
Edwards	Monagan	Smith, Iowa
Evins	Montoya	Staggers
Farbstein	Moore	Stratton
Feighan	Moorhead	Sullivan
Finnegan	Morgan	Thomas
Fino	Morrison	Toll
Flood	Morse	Tupper
Fogarty	Mosher	Tuten
Fraser	Murphy, Ill.	Vanik
Fulton, Tenn.	Murphy, N.Y.	Wallhauser
Giaimo	Natcher	Weltner
Gibbons	Nedzi	Wilson, Charles H.
Gilbert	Nix	Young
Gill	O'Brien, N.Y.	Zablocki
Glenn	O'Hara, Ill.	
Gonzalez	O'Konski	
	Olsen, Mont.	

ANSWERED "PRESENT"—6

Becker	Brown, Calif.	O'Hara, Mich.
Bow	Derounian	Wright

NOT VOTING—96

Abele	Hagan, Ga.	Reid, Ill.
Abernethy	Harding	Rhodes, Pa.
Adair	Harris	Riehlman
Ashbrook	Hébert	Roberts, Ala.
Ashmore	Herlong	Roberts, Tex.
Auchincloss	Hoffman	Ryan, Mich.
Ayres	Horan	St. Onge
Baker	Karth	Schenck
Baring	Kelly	Scott
Bolling	Keogh	Shelley
Bonner	Kilburn	Shipley
Bruce	Kluczynski	Shriver
Buckley	Kornegay	Sikes
Burton	Lennon	Siler
Byrnes, Wis.	Lesinski	Skubitz
Cameron	Long, La.	Snyder
Cannon	Macdonald	Stafford
Celler	MacGregor	Stinson
Daniels	Martin, Nebr.	Taylor
Dawson	May	Thompson, La.
Donohue	Miller, Calif.	Thompson, N.J.
Dowdy	Miller, N.Y.	Thornberry
Edmondson	Mills	Tollefson
Elliott	Multer	Ullman
Fallon	Murray	Watson
Forrester	O'Brien, Ill.	Watts
Fuqua	Pelly	Westland
Gallagher	Pepper	White
Garmatz	Pilcher	Wilson, Ind.
Grabowski	Pirnie	Winstead
Grant	Rains	Wydler
Griffiths	Randall	Wyman

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mrs. May for, with Mr. Bow against.
Mr. Hoffman for, with Mr. Becker against.
Mr. Kilburn for, with Mr. Hébert against.
Mr. Burton for, with Mr. Brown of California against.
Mr. Byrnes of Wisconsin for, with Mr. Derounian against.
Mr. O'Hara of Michigan for, with Mr. Thompson of New Jersey against.
Mr. Watts for, with Mr. Keogh against.
Mr. Harding for, with Mr. Shelley against.
Mr. Ashmore for, with Mr. St. Onge against.
Mr. Winstead for, with Mr. Multer against.
Mr. Abernethy for, with Mr. Donohue against.
Mr. Sikes for, with Mrs. Kelly against.
Mr. Auchincloss for, with Mr. Garmatz against.
Mr. Taylor for, with Mr. Rains against.
Mr. Dowdy for, with Mrs. Griffiths against.
Mr. Edmondson for, with Mr. Shipley against.
Mr. Fuqua for, with Mr. Elliott against.
Mr. Scott for, with Mr. Fallon against.
Mr. Roberts of Texas for, with Mr. Daniels against.
Mr. Wright for, with Mr. Bolling against.
Mr. Adair for, with Mr. Pelly against.
Mr. Shriver for, with Mr. Riehlman against.
Mr. MacGregor for, with Mr. Wydler against.
Mr. Skubitz for, with Mr. Pirnie against.
Mr. Westland for, with Mr. Baker against.
Mrs. Reid of Illinois for, with Mr. Siler against.
Mr. Wyman for, with Mr. Snyder against.
Mr. Horan for, with Mr. Stafford against.
Mr. Martin of Nebraska for, with Mr. Miller of New York against.
Mr. Schenck for, with Mr. Celler against.
Mr. Ayres for, with Mr. Grabowski against.
Mr. Ullman for, with Mr. Thompson of Louisiana against.
Mr. Pilcher for, with Mr. Ryan of Michigan against.
Mr. Herlong for, with Mr. Gallagher against.
Mr. Harris for, with Mr. Buckley against.
Mr. Long of Louisiana for, with Mr. Karth against.
Mr. Thornberry for, with Mr. Macdonald against.
Mr. Forrester for, with Mr. Randall against.
Mr. Murray for, with Mr. Watson against.
Mr. Bonner for, with Mr. Kluczynski against.

Until further notice:

Mr. Cameron with Mr. Bruce.
Mr. Lesinski with Mr. Abele.
Mr. Bolling with Mr. Tollefson.
Mr. White with Mr. Stinson.
Mr. Miller of California with Mr. Wilson of Indiana.
Mr. Dawson with Mr. O'Brien of Illinois.
Mr. Pepper with Mr. Grant.
Mr. Roberts of Alabama with Mr. Kornegay.
Mr. Mills with Mr. Lennon.

Mr. BROWN of California. Mr. Speaker, I have a live pair with the gentleman from Utah [Mr. BURTON]. Had he been present he would have voted "yea." I voted "nay." I therefore withdraw my vote and vote "present."

Mr. O'HARA of Michigan. Mr. Speaker, I have a live pair with the gentleman from New Jersey [Mr. THOMPSON]. Had he been present he would have voted "nay." I voted "yea." I withdraw my vote and ask to be recorded as "present."

Mr. WRIGHT. Mr. Speaker, I have a live pair with the gentleman from Missouri [Mr. BOLLING]. Had he been present he would have voted "nay." I voted "yea." Therefore I withdraw my vote and ask to be recorded as "present."

Mr. DEROUNIAN. Mr. Speaker, I have a live pair with the gentleman from Wisconsin [Mr. BYRNES]. Had he been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. BOW. Mr. Speaker, I have a live pair with the gentlewoman from Washington [Mrs. MAY]. I am recorded as voting "nay." If she were present she would have voted "yea." I withdraw my vote and vote "present."

Mr. BECKER. Mr. Speaker, on this vote I am recorded as voting "nay." I have a live pair with the gentleman from Illinois [Mr. HOFFMAN]. If he were present he would have voted "yea." I withdraw my vote of "nay" and request to be recorded as "present."

The result of the vote was announced as above recorded.

The SPEAKER. Pursuant to the provisions of House Resolution 544, the Committee on Agriculture is discharged from further consideration of the bill S. 1703 to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The Clerk will report the title of the bill.

The Clerk read the title of the bill.

Mr. COOLEY. Mr. Speaker, I move to strike out all after the enacting clause of the bill, S. 1703, and insert in lieu thereof the provision of the bill, H.R. 8195, just passed.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. COOLEY: Strike out all after the enacting clause of S. 1703 and insert the provision contained in H.R. 8195 as passed.

The amendment was agreed to.

The bill was ordered to be read a third time, read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 8195) was laid on the table.

GENERAL LEAVE TO EXTEND REMARKS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days in which to extend their remarks on the bill, H.R. 8195, just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ORDERLY TRANSFER OF EXECUTIVE POWER

Mr. FASCELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4638) to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Florida? The Chair hears none, and appoints the following conferees: Messrs. DAWSON, HOLIFIELD, FASCELL, ANDERSON, and HORTON.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6500) entitled "An act to authorize certain construction at military installations, and for other purposes."

The message also announced that the Secretary of the Senate requests the House of Representatives to return to the Senate the bill (H.R. 2985) entitled "An act to amend section 1391 of title 28 of the United States Code, relating to venue generally" together with all accompanying papers.

UNITED STATES STEEL PUTS PROFITS AHEAD OF PEOPLE

(Mr. RYAN of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of New York. Mr. Speaker, yesterday's New York Times carried two stories—one of high corporate indifference, the other of high corporate profits. The statement of Roger Blough, chairman of the board of United States Steel Corp., that the corporation should not use its influence to improve racial conditions in strife-torn Birmingham is the epitome of corporate irresponsibility and callousness.

United States Steel willingly accepts all the benefits of our laws and Constitution which guarantee the rights of corporations and of private property, but refuses to accept its obligation to support the same laws and Constitution which also declare all men equal.

Apparently United States Steel sees its only responsibility is to make profits. Public welfare is not its concern. This callous attitude is a giant step backward by a giant corporation.

It is ironic that, in the same conference, Roger Blough reported a sharp increase in third quarter sales and earnings. Who is responsible for these profits? Roger Blough in his plush New York office did not bring this about by himself. Behind the profits are some 15,000 steelworkers in Birmingham, many of whom are Negroes, who mine the ore, melt the steel, cut it, shape it, and by their hard labor create the product with which the profits are made. These steelworkers and their families

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued Nov. 18, 1963
For actions of Nov. 15, 1963
88th-1st; No. 185

CONTENTS

Adjournment.....13	Civil defense.....16	Personnel.....3
Air pollution.....12	Credit control.....9	Public works.....5,14
Appropriations.....6,14	Farm labor.....2,12	Recreation.....10,13
Area redevelopment.....11	Foreign aid.....1	Spending.....8
Assault statute.....3	Health benefits.....7	Water resources.....10
CCC export sales.....4	Legislative program.....12	Wildlife.....10

HIGHLIGHTS: Senate passed foreign aid bill. Senate agreed to consider separately Mundt amendment on wheat for Russia. Sen. McCarthy spoke in favor of sending Mexican farm labor bill to conference. Sen. Humphrey explained sales of surplus commodities for export on credit. Senate received USDA proposal to amend assault statute.

SENATE

1. FOREIGN AID. Passed 63-17, with amendments H. R. 7885, the foreign aid authorization bill (pp. 20843-4, 20849-53, 20857-95). Senate conferees were appointed (p. 20895). After debate on wheat for Russia, and following consultation, the Mundt amendment was withdrawn, and it was agreed that a separate bill by Sen. Mundt (to prohibit any guarantee by the Export-Import Bank or any other Government agency of payment of obligations of Communist countries) would be considered by the Senate on Nov. 25 or 26 (pp. 20857-65). Sen. Humphrey commended the Alliance for Progress and development of foreign trade (pp. 20922-6).

2. FARM LABOR. Sen. McCarthy recommended that the Senate insist on a conference on S. 1703, to extend the Mexican farm labor program, rather than agree to the bill in the form passed by the House. pp. 20895-8

3. ASSAULT STATUTE. Received from this Department a proposed bill to amend the assault statute (making it a Federal offense to assault or otherwise hamper certain Federal personnel) by extending this statute to all USDA officers and employees engaged in investigation, inspection, or law enforcement, and to

ASC committee personnel when so engaged; to Judiciary Committee. p. 20842

4. CCC EXPORT SALES. Sen. Humphrey explained how the CCC export credit sales program works. pp. 20920-2

5. PUBLIC WORKS. Sen. McNamara announced formation of the accelerated public works program. p. 20843

6. D. C. APPROPRIATION BILL. This bill, H. R. 7431, was made the unfinished business. p. 20900

7. HEALTH. Passed as reported S. 1561, to amend the Federal Employees Health Benefits Act of 1959 including provisions which would eliminate the discrimination against married women in respect to the contribution made by the Government toward their insurance premium and allow payroll officers adequate time to prepare for this change; and also would allow previously retired employees who did not have an opportunity to carry their health insurance into retirement to do so. pp. 20898-9

8. SPENDING. Sen. Metcalf inserted an article "What Everybody Wants to Know About Deficit Spending" explaining "how deficit spending is a national blessing." pp. 20901-9

9. CREDIT CONTROL. Sen. Simpson inserting an article discussing the pro's and con's of Sen. Douglas' bill to require disclosure of finance charges in connection with extension of credit. pp. 20910-12

10. WATER RESOURCES. Sen. Burdick inserted the resolutions by the N.D. Water Users Association urging Interior and the Budget Bureau to complete the studies of Missouri River Basin power and cost sharing for recreation and fish and wildlife; and commending and supporting the Government's land and water resource programs while urging Congress to initiate construction of the Bowman-Haley dam and completion of investigations on 15 other projects. pp. 20915-6

11. AREA DEVELOPMENT. Sen. Muskie inserted a news release which "outlines the benefits of a Maine firm received under the area redevelopment job training program." pp. 20916-7

12. LEGISLATIVE PROGRAM. Sen. Mansfield stated that, in addition to the D.C. appropriation bill, Monday's legislative program includes the Mexican farm labor bill, conference report on the legislative appropriation bill, independent offices appropriation bill, and air pollution bills, and that the library service bill will also be brought up during the week. p. 20895

13. RECESSED until Mon., Nov. 18. p. 20927.

HOUSE

14. PUBLIC WORKS. The Appropriations Committee voted to report (but did not actually report) H.R. 9140, the public works appropriation bill, 1964. p. D900

15. RECREATION. The National Parks Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee with amendment H.R. 401[illegible] to provide an adequate basis for administration of the Lake Mead National Recreation Area, Ariz. and Nev. p. D900

would vote "yea," and the Senator from Mississippi would vote "nay."

I further announce that, if present and voting, the Senator from California [Mr. ENGLE] and the Senator from Washington [Mr. MAGNUSON] would each vote "yea."

Mr. KUCHEL. I announce that the Senators from Nebraska [Mr. CURTIS and Mr. HRUSKA] are absent on official business.

The Senator from Kentucky [Mr. MORTON] and the Senator from Delaware [Mr. WILLIAMS] are necessarily absent.

The pair of the Senator from Nebraska [Mr. HRUSKA] has been previously announced.

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Nebraska would vote "nay."

The result was announced—yeas 63, nays 17, as follows:

[No. 239 Leg.]

YEAS—63

Aiken	Fulbright	Metcalf
Allott	Gore	Miller
Bartlett	Gruening	Monroney
Bayh	Hart	Muskie
Beall	Hartke	Nelson
Boggs	Hayden	Neuberger
Brewster	Hickenlooper	Pastore
Burdick	Hill	Pearson
Byrd, W. Va.	Holland	Pell
Cannon	Humphrey	Prouty
Case	Inouye	Proxmire
Church	Javits	Ribicoff
Clark	Keating	Saltonstall
Cooper	Kennedy	Scott
Cotton	Kuchel	Smathers
Dirksen	Lausche	Smith
Dodd	Mansfield	Sparkman
Dominick	McCarthy	Symington
Douglas	McGee	Williams, N.J.
Edmondson	McIntyre	Yarborough
Fong	McNamara	Young, Ohio

NAYS—17

Bennett	Jordan, N.C.	Robertson
Bible	Jordan, Idaho	Russell
Byrd, Va.	McClellan	Simpson
Eastland	Mechem	Thurmond
Ervin	Morse	Tower
Goldwater	Mundt	

NOT VOTING—20

Anderson	Johnston	Randolph
Carlson	Long, Mo.	Stennis
Curtis	Long, La.	Talmadge
Ellender	Magnuson	Walters
Engle	McGovern	Williams, Del.
Hruska	Morton	Young, N. Dak.
Jackson	Moss	

So the bill (H.R. 7885) was passed.

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HUMPHREY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized, in the engrossment of the Senate amendment to H.R. 7885, to make certain technical changes, correct any grammatical errors, and make changes in section numbers.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the bill be printed showing the Senate amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist on its amendment and request a conference with the House of Representatives thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. HICKENLOOPER, and Mr. AIKEN conferees on the part of the Senate.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I should like to ask the majority leader about the schedule for the remainder of the day, and also for next week.

ORDER FOR RECESS TO MONDAY NEXT

Mr. MANSFIELD. Mr. President, in response to the question raised by my distinguished friend, the minority leader, I ask unanimous consent that when the Senate recesses today, it recess to meet at 12 o'clock noon, Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Calendar No. 621, S. 1561, be laid before the Senate and made the pending business. It is anticipated that it will pass very shortly. I understand there is no objection to it.

Then we shall take up Calendar No. 609, H.R. 7431, the District of Columbia appropriations bill, which will be the pending business, to be considered on Monday.

There will be no further votes today.

So far as the remainder of the schedule is concerned, on Monday it is expected that the District of Columbia appropriation bill will be followed by Calendar No. 614, H.R. 6001, the Waukegan bill; Calendar No. 617, S. 298, and Calendar No. 618, S. 1309, the small business bills; also the braceros bill; the conference report on the legislative appropriations bill; H.R. 8747, the independent offices appropriation bill; and the air pollution bills H.R. 6001 and S. 432.

S. 2265, the library service bill will also be brought up next week.

Those bills will be brought up next week, but not necessarily in that sequence, except for the first two mentioned.

There will be no further votes today. There is one little bill to be considered. That is about it.

COMMITTEE MEETING DURING THE SESSIONS OF THE SENATE NEXT WEEK

Mr. MANSFIELD. Mr. President, in view of the unusual procedure undertaken by the Senate this afternoon, and with the full concurrence of the minority leader, I ask unanimous consent that the Committee on Banking and Currency be authorized to hold hearings on the Mundt bill during the sessions of the Senate next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MEXICAN FARM LABOR PROGRAM

Mr. McCARTHY. Mr. President, on October 31, the House approved a 1-year extension of the Mexican farm labor bill. The House version eliminates the language which was adopted when the Senate passed on this legislation on August 15. The bill which passed the Senate provided minimal protection for American migrant workers. It is my understanding that Senators who opposed the reforms which were included in the Senate bill will move to bypass taking this measure to conference, and plan to move to have the Senate concur with the House language when that bill is brought up before the Senate on Monday.

It is my opinion that the bill should go to conference. In the course of the consideration of the proposed legislation in August, 2 or 3 days were spent in debate. Three or four yea-and-nay votes were held on the question of whether American migrant workers were to receive the same protection under the law that the Mexican farm laborers are afforded. The Senate, by a single vote, after long debate and a series of yea-and-nay votes, determined that these protections should be written into the law.

It will be argued, of course, that because the majority was a simple one of one vote, it is more or less meaningless, and, secondly, that we should surrender to the House of Representatives, I assume, if we do have a conference, even before the conferees reach the rotunda. At least this would have been a test by way of representing the Senate's position in a contest with the House.

The proposal will be made that we not even go to conference and attempt some kind of accommodation or reconciliation. In my opinion, the appropriate procedure in handling this measure, involving a significant difference between the House and Senate versions, is to hold a conference.

In the course of the debate on the foreign aid authorization bill and other measures which have recently been before the Senate, the argument has been strongly made that the House position should not be accepted by the Senate, and that we should not surrender our position to the House on the floor of the Senate.

I am sure that when the measure comes up, some of the Senators who advocated that stand will be among those who will say, "Why not accept the House version?" They will not want to give a majority of the Senate who voted for the version passed by the Senate on August 15 the courtesy, even, of going to a conference.

From the time the Mexican farm labor bill was proposed in 1951, the farm labor program has been highly controversial, and it has become more so in recent years. The House itself has been almost equally divided, not on the question of whether American workers should be given protection, but on the question of whether the program should be continued under any circumstances.

Two weeks ago the House approved an extension by a vote of 173 to 158, but earlier in the session the House killed a bill providing for a 2-year extension by a vote of 174 to 158.

I assume, if we are to play the numbers game, it will be argued that we should not go to conference because the Senate approved a protective measure by a margin of 1 vote; therefore, we could just as well argue that the House had 2 separate votes, one in which 174 Members said there should be no extension of the program at all, and yet another vote, in which the House said, by 173 votes, that there should be an extension.

So far as the single-vote difference is concerned, if we jump a period of several months in the House, it would appear that the issue before the conference committee would be whether one vote in the Senate in favor of the program is worth more than one vote in the House against the program. I assume the ratio should be at least 4 to 1; and therefore on the basis of numbers alone the senior members of the Committee on Agriculture and Forestry should at least be willing to go to conference in an attempt to arrive at a compromise, if they are not willing to accept the language in the Senate version.

Both the House and Senate versions provide for a 1-year extension, but the Senate bill takes a step toward protecting the rights of American citizens. It provides that growers desiring to import Mexican nationals must first make a limited effort to recruit domestic workers. The Senate bill does not, of course, require growers to do anything; it only states that if they want to secure braceros they must first offer terms regarding workmen's compensation, housing, transportation, and work period guarantees comparable to those they offer Mexican nationals.

This is certainly a reasonable condition. It does not guarantee that American workers will get all the benefits now given to Mexican nationals under the program. It provides only limited protection for domestic workers. Under the Senate provisions, growers with an established need will still be able to get Mexican nationals if domestic workers are unavailable.

The Mexican farm labor program is opposed by church groups and many civic groups. The opposition of the church leaders now and in the past is based on a deeply held conviction that this is a moral as well as an economic and social issue. I do not believe that anyone has ever suggested that the church groups have any motivation except the clear and honest one of protecting the rights of underpriviliged citizens.

Representatives of many religious groups have programs to assist migratory laborers. They see firsthand the suffering and privation under which these citizens live and work. They are opposed to extending this program of importing foreign workers to compete with these neglected citizens for jobs and wages.

Church leaders may not always be experienced in economics, but they know human suffering and neglect when they see it. They know that something is wrong with the system when over the years as many as 400,000 foreign workers have been brought annually to compete with our own citizens who are already at the bottom of the economic ladder.

They know that something is wrong when hundreds of thousands of citizens are forced to drift from place to place, hopefully looking for work but suffering from extensive seasonal unemployment, earning low wages, being forced to live in substandard housing, and their children receiving only a scattering of formal education.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a few of the letters I received from church and other leaders when S. 1703 was scheduled for Senate action last summer. I also ask unanimous consent to have printed in the RECORD an editorial entitled "Defeat for the Migrants," published in the New York Times of November 3, 1963, and an editorial entitled "Stoop Labor," published in the Washington Post of November 2, 1963, which urged that the Senate bill be upheld.

There being no objection, the letters and the editorials were ordered to be printed in the RECORD, as follows:

NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE U.S.A.,
New York, N.Y., July 29, 1963.

Hon. EUGENE J. MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: I enclose a statement of the general board of the National Council of Churches entitled, "Resolution Regarding the Future of the Mexican Agricultural Worker Importation Program (Public Law 78, 82d Cong.)."

This resolution, adopted in February 1960, reflects the long experience of the National Council of Churches through its Ministry to Migrants. This led us to the conviction that the Mexican farmworker importation program, introduced as a wartime emergency measure and continued year after year long after the emergency had ceased, should be gradually eliminated during a specified phaseout period.

Since that time the widespread introduction of mechanization has resulted in an automatic phaseout process in which the number of braceros brought into the country has decreased each year. This fact, together with the widespread and increasing unemployment among both farm and other workers in this country, has reenforced the conviction that the importation program should not be again extended.

I am sending this to you for your information on a matter of public interest before the Congress at this time. We believe you will be interested to know of the principles relating to this issue adopted by this body of men and women from our churches and the accompanying brief statement of reasons therefor.

Sincerely yours,

CAMERON P. HALL.

BISHOPS' COMMITTEE FOR MIGRANT WORKERS,
Chicago, Ill., July 30, 1963.

Hon. EUGENE J. MCCARTHY,
U.S. Senate, Senate Office Building, Washington, D.C.

DEAR SENATOR: It has come to my attention that there is an effort being made to have the Senate approve a 1-year extension of Public Law 78—Senate bill 1703, and that this is being done without any hearings. I am shocked and surprised if this be the truth.

With the present rate of unemployment growing constantly because of automation and with the threatened railroad strike on our hands, it is difficult to understand the mind of the Senate asking for a 1-year extension of Public Law 78, which has long since outlived its utility and necessity, if it ever had such.

Our committee is united with many other civic and religious groups, labor organizations, etc. that have fully studied and fought against Public Law 78.

We urge your cooperation in bringing justice to American workers by holding the line against any further extension of this law.

Sincerely,

Rev. RALPH J. DUGGAN.

NATIONAL CATHOLIC RURAL LIFE CONFERENCE,
Washington, D.C., July 29, 1963.

Hon. EUGENE J. MCCARTHY,
U.S. Senate, Washington, D.C.

DEAR SENATOR MCCARTHY: It is my understanding that S. 1703, the bill to extend the Mexican farm labor program for 1 year, is expected to come to the Senate floor very soon, perhaps in the next day or two.

Those of us who oppose the extension of the bracero program are both astonished and disappointed that legislation rejected by the House should be rushed to the Senate floor without hearings. On a matter as controversial as this it seems essential that all interested parties should have the opportunity to have their views heard.

Particularly is this true of the many church bodies which have long and uncompromisingly opposed the bracero program. To mention only Catholic organizations, the following have repeatedly gone on record as opposed to any extension of Public Law 78: the National Catholic Rural Life Conference; the Social Action Department, NCWC; the Bishops' Committee for Migrant Workers; the Bishops' Committee for the Spanish Speaking; the National Council of Catholic Men; the National Council of Catholic Women; and the National Federation of Catholic College Students. A list as long and as weighty could be given of Protestant and other church groups as well as innumerable other citizen organizations.

Surely the unanimous voice of virtually everyone except the handful of bracero-using employers and their spokesmen should be heard.

I appeal, therefore, to you, Senator, to add your voice and vote to the effort to end this program once and for all. With every good wish I remain,

Very sincerely yours,

Rev. JAMES L. VIZZARD, S.J.,
Director of Washington Office.

MINNESOTA MIGRANT COMMITTEE OF THE MINNESOTA COUNCIL OF CHURCHES,
Minneapolis, Minn., July 29, 1963.

Hon. EUGENE MCCARTHY,
U.S. Senate, Senate Office Building, Washington, D.C.

MY DEAR SENATOR MCCARTHY: Working with the approximately 9,000 migrant workers who came to Minnesota again this summer, and seeing how much of the time they must spend without work in our State, is convincing evidence that there is much to be desired for improvement in "their labor market." In four areas of migrant concentration in our State, workers have spent many days without work due, they say, to too many workers being available and recruited for the work to be done.

It is alarming to me to hear that a new measure, Senate Bill 1703, will be reported to the floor very hastily in an attempt to extend Public Law 78 for 1 year. I feel this

is not in the interest of the citizens of our Nation who are migrants, nor is it in the interest of many producers across our land. It, if passed, will help a small minority of growers at the expense of justice to many.

I am writing this letter urging you to uphold the progress made in the discontinuance of Public Law 78 some weeks ago.

Sincerely yours,

GEORGE K. TJADEN,
State Director, Ministry to Migrants, Minnesota Council of Churches.

NATIONAL ADVISORY COMMITTEE ON FARM LABOR,
July 29, 1963.

DEAR SENATOR MCCARTHY: When the House, on May 29, voted down efforts to extend Public Law 78 for 2 years, they were responding to the overwhelming evidence presented in opposition to any extension of the Mexican farm labor program.

Enclosed for your attention is a copy of a letter signed by 44 prominent leaders in all walks of life and sent to each Member of the House prior to this vote. The arguments stated in this letter still hold true.

Furthermore, there is no validity to the argument that a "sudden" cutoff of braceros would work undue hardship on their employers. With no further extension of Public Law 78, this program has another 5 months to run. This is ample time in which to improve wages and working and living conditions, and to set up procedures to recruit qualified domestic farmworkers.

The action of the Senate Agriculture and Forestry Committee in reporting out S. 1703, a 1-year extension of Public Law 78, without any public hearings was unconscionable. This 1-year bill, regarded by some as a compromise, is no compromise at all, but an attempt by a comparative few large growers to extend a program for which there is no justification.

Sincerely yours,

FAY BENNETT,
Executive Secretary.

NATIONAL ADVISORY COMMITTEE ON FARM LABOR,
May 24, 1963.

(Copy of letter individually addressed to all Representatives.)

Public Law 78, providing for the importation of Mexican farmworkers, will expire at the end of 1963 if no action to extend it is taken by Congress. We urge you to bring this program to an end by voting against H.R. 5497 or any similar bill introduced to extend the program.

This contract labor program was adopted as an emergency measure in 1951, when manpower needs were crucial. But now the proportion of all American farmers using Mexican braceros has dropped to less than 1 percent. The number of braceros used in 1962 was 38 percent less than in 1961; California accounted for 53 percent of the total man-months of Mexican labor and Texas for 26 percent. It has clearly become a program for the benefit of a few.

One of the worst results of the Mexican program through the years is that it has tended to become self-perpetuating, as large growers have come to rely upon it for their labor needs. The existence of an inexhaustible pool of low-paid workers destroys the competition which would encourage employers to make jobs attractive in terms of wages and working conditions. Artificial shortages of farmworkers have occurred when growers, knowing they could fall back on Mexican baceros, have failed to offer a decent living wage to available domestic workers. Despite minor reforms passed by the 87th Congress and Department of Labor efforts for better enforcement of existing regulations, adverse effects on domestic farmworkers continue.

Moreover, increasing mechanization of agriculture is regularly reducing the jobs available to agricultural workers. In 1962 total employment of seasonal hired farm workers declined for the third successive year; so did the number of days worked by individual farm laborers.

Farmworkers also found fewer sources of nonfarm work last year. Lack of farm employment is forcing their migration to the cities, where the need for unskilled workers continues to decline. Surely there is no justification for the importation of foreign workers at a time of rapidly declining opportunities in unskilled and semiskilled employment both on and off the farm.

That domestic agricultural workers can fill the need is shown in the areas where the employment service and growers cooperate through the annual worker plan. This provides the growers with a stable and efficient supply of domestic workers without recourse to foreign recruitment, and at the same time provides the workers with fuller employment, through planned routing to meet the growers' seasonal demands.

We submit that any industry in the country would have a labor shortage if it offered wages below the national minimum; seasonal and irregular work without unemployment compensation; unhealthy working and living conditions; and few of the benefits of social legislation enjoyed by other workers. We believe these conditions in American agriculture are perpetuated by the existence of a foreign contract labor system based on substandard wages.

Ending the inequities faced by American farmworkers will end any artificial labor shortages which have been created. In the name of both justice and commonsense the Mexican program should be allowed to expire.

Sincerely yours,

Dr. Louis H. Bean, Joseph A. Beirne, James B. Carey, Patrick F. Crowley, Helen Gahagan Douglas, Rev. Ralph J. Duggan, John Anson Ford, Dr. L. H. Foster, Prof. Walter Galenson, Rabbi Roland B. Gittelsohn, Rev. Donald S. Harrington, Henry B. Herman, Rt. Rev. Msgr. George G. Higgins, Robert W. Hudgens, Joseph D. Keenan, Rabbi Edward E. Klein, Dr. Harry W. Laidler, Rabbi Eugene J. Lipman, Dr. Seymour M. Lipset, Bishop John Wesley Lord, Dr. Isador Lubin, Archbishop Robert E. Lucey, Rev. Alan McCoy, O.F.M., Rev. Dr. Robert J. McCracken, Dr. John A. Mackay, Dr. Benjamin E. Mays, Dr. Reinhold Niebuhr, Dr. Peter H. Odegard, Bishop James A. Pike, Prof. Daniel H. Pollitt, Very Rev. Msgr. William J. Quinn, A. Philip Randolph, Robert Ryan, Dore Schary, Rev. Roger L. Shinn, Rabbi Samuel D. Soskin, Norman Thomas, Frederick S. Van Dyke, Dr. Maurice T. van Hecke, Rev. James L. Vizzard, S.J., Rev. John A. Wagner, Dr. Galen R. Weaver, Rabbi Jacob J. Weinstein, and Walter P. Reuther.

[From the Washington Post, Nov. 2, 1963]

STOOP LABOR

The House of Representatives let itself be horn-swoggled by a farm lobby that wants to maintain a supply of cheap peasant labor. It passed a bill on Thursday providing for a 1-year extension of Public Law 78, the so-called Mexican farm labor program. Last May, in an exhibition of good morals, good economics, and good sense, the House defeated a bill for a 2-year extension of the program, bringing to an end at long last, it was hoped, an exploitation of Mexican stoop labor which served to deny employment to American farmworkers.

In August, the Senate voted to extend Public Law 78 for 1 year—but with an amendment providing that Mexican workers may not be recruited for hire on American farms until the Secretary of Labor finds that reasonable efforts have been made to attract domestic workers for the available jobs at wages and hours and with workmen's compensation, housing, transportation, and work period guarantees equal to those offered the braceros.

The House ignored this amendment. We hope the Senate will insist upon it. The farm lobby doesn't like it, of course, because it would raise the costs, while improving the conditions, of farm labor. But without it, the extension of the bracero program amounts to little better than a perpetuation of peonage. If the bill comes to him without the Senate amendment, President Kennedy ought to veto it in simple justice to the tragically deprived American migrant farmworkers.

[From the New York Times, Nov. 3, 1963]

DEFEAT FOR THE MIGRANTS

Once again the corporate farm interests in California, Texas, and Arizona are on their way to using Congress as an instrument for depressing the wages and working conditions of America's most exploited workers—the half million migratory farm laborers and their families.

The House of Representatives 5 months ago voted to kill the program under which hundreds of thousands of Mexicans are brought in each year to supply cheap labor for the harvesting of U.S. crops. Now the House has been induced to reverse itself. It has voted a 1-year extension, devoid even of the strings the Senate attached when it approved a similar extension in August.

Under the Senate bill, benefits equal to those guaranteed the Mexicans in such areas as housing, workmen's compensation, and transportation would have to be offered to domestic workers as well. The House dispensed with even this meager safeguard when the program for importing braceros came up for a second look. The chances seem strong that the Senate will now consent to the same unreserved extension of the old law.

With national unemployment frozen at a rate of more than 5 percent, the continued importation of foreign workers to aid a comparative handful of large corporate farmers is unconscionable. The Senate ought to exercise the opportunity the House action gives it to scrap the entire program. If it sends it forward, the responsibility for a veto will be the President's.

Mr. MCCARTHY. Mr. President, the Senate bill incorporates recommendations made by the administration as the condition under which the Department would support a 1-year extension. After the recent House action, I inquired about the administration's position and received from Secretary of Labor Wirtz a letter stating that the administration is opposed to the 1-year extension, unless amendments are included, recommended by the Department, to protect domestic workers. These are the recommendations which were included in the Senate version. If our information is correct, the advocates of this program hope to have them dropped on the floor of the Senate without so much as even taking them to conference.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter to me from Secretary of Labor Wirtz under date of November 1, 1963.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., November 1, 1963.

Hon. EUGENE MCCARTHY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MCCARTHY: This is in response to your inquiry requesting a statement describing the administration's position on the extension of Public Law 78.

The administration has continued to maintain the position I indicated before the House Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture on March 27. We support a 1-year extension, provided the act is amended to require employers seeking to obtain Mexican workers to demonstrate that they have offered to domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses equivalent to that furnished Mexican workers.

We are opposed to an extension without these amendments.

Yours sincerely,
W. WILLARD WIRTZ,
Secretary of Labor.

Mr. MCCARTHY. I intend to oppose the motion, if it is made, that the Senate accept the House version, and to move to take this matter to conference. It is my hope that if a motion to go to conference is rejected, a majority of the Senate will stand by the position which they took last August and refuse even to extend this program for another year. What we have asked for in the way of protection for American migratory workers is well within the limits of reason. It is hard for me to understand why those who are supporting the program seem unwilling to provide that American migrant workers be given at least a minimum of consideration, of decency, and of reason before they seek to have Mexican nationals compete in this area in which competition is most intense and in which the standards of living, working conditions, and wages are the worst of any segment of the American economy.

FEDERAL EMPLOYEES HEALTH BENEFITS ACT OF 1959

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of Calendar 621, S. 1561.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1561) to amend the Federal Employees Health Benefits Act of 1959.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Post Office and Civil Service with amendments on page 2, after line 2, to insert:

(4) Section 2(e) is repealed.

At the beginning of line 4, to strike out "(4)" and insert "(5)"; in line 5, after the word "after", to strike out "'or" in line 6," and insert "'or", the last word in the paragraph, the following:"; after line 9, to insert:

(6) Section 3 is amended by adding the following subsection:

"(g) Any annuitant (including an individual receiving monthly compensation as a result of injury sustained prior to the effective date specified in section 16 and who would be an annuitant if the injury or illness had been sustained or contracted on or after that date) who at the time he became an annuitant shall have been enrolled in a health benefits plan under this Act and who at the time he became an annuitant was ineligible to continue his enrollment may, upon his application before July 1, 1964, and under such other conditions of eligibility as the Commision may by regulation prescribe, prospectively enroll in an approved health benefits plan described in section 4 either as an individual or for self and family."

On page 3, at the beginning of line 1, to strike out "(5)" and insert "(7)"; in line 4, after the word "contract", to strike out "term," and insert "term"; at the beginning of line 9, to strike out "(6)" and insert "(8)"; at the beginning of line 12, to strike out "(7)" and insert "(9)"; after line 13, to insert:

(10) Section 7(a)(1) is amended by inserting the word "and" at the end of clause (A) and by striking out the following: "other than as provided in clause (C) of this paragraph), and (C) not less than $1.75 or more than $2.50 biweekly for a female employee or annuitant enrolled for self and family including a nondependent husband".

At the beginning of line 20, to strike out "(8)" and insert "(11)"; on page 4, line 3, after the word "subscription", to strike out "charge, except that if a nondependent husband is a member of the family of a female employee or annuitant who is enrolled for herself and family the contribution of the Government shall be 30 per centum of such subscription"; after line 7, to strike out:

(9) Section 8(b) is amended by the addition of the following:

"Whenever a contract with a plan approved under section 4(3) or 4(4) is terminated, the contingency reserve credited to that plan shall be credited to the contingency reserves of the plans continuing under this Act for the contract term following that in which termination occurs, each reserve to be credited in proportion to the amount of the premiums paid and accrued to the plan for the year of termination."

And, in lieu thereof, to insert:

(12) Section 8(b) is amended by inserting after the first sentence thereof, the following new sentences:

"The Commission, from time to time and in such amounts as it considers appropriate, may transfer unused funds for administrative expenses to the contingency reserves of the plans then under contract with the Commission. When funds are so transferred, each contingency reserve shall be credited in proportion to the total amount of the subscription charges paid and accrued to the plan for the contract term immediately preceding the contract term in which the transfer is made."

On page 5, after line 2, to insert:

(13) Section 8 is amended by adding the following subsection:

"(d)(1) Whenever the assets, liabilities and membership of employee organizations sponsoring or underwriting plans approved under section 4(3) have been or are hereafter merged, the assets (including contingency reserves) and liabilities of the plans sponsored or underwritten by the merged organizations shall, at the beginning of the contract term next following the date of the merger or enactment of this subsection, be transferred to the plan sponsored or underwritten by the successor organization. Each employee or annuitant hereafter affected by a merger shall also be transferred to the plan sponsored or underwritten by the successor organization unless he enrolls in another plan under this Act.

"(2) Except as provided in paragraph (1) of this subsection, whenever a plan described under section 4(3) or 4(4) is or has been discontinued under this Act the contingency reserve of that plan shall be credited to the contingency reserves of the plans continuing under this Act for the contract term following that in which termination occurs, each reserve to be credited in proportion to the amount of the subscription charges paid and accrued to the plan for the year of termination."

On page 6, at the beginning of line 1, to strike out "(10)" and insert "(14)"; at the beginning of line 2, to strike out "'Any" and insert "'(c) Any"; in line 7, after the word "though", to strike out "such" and insert "his", and after line 9, to insert a new section, as follows:

SEC. 2. Paragraphs 4, 10, and 11 of section 1 shall take effect on the first day of the first period which begins at least ninety days after the date of enactment of this Act.

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Employees Health Benefits Act of 1959 (5 U.S.C. 3001–3014) is hereby amended as follows:

(1) Section 2(c)(3) is amended by striking the words "as a result of injury sustained or illness contracted on or after such date of enactment".

(2) Section 2(c)(4) is amended by striking the words "on account of injury sustained or illness contracted on or after such date of enactment".

(3) Section 2(d) is amended by inserting, after "stepchild", ", foster child,".

(4) Section 2(e) is repealed.

(5) Section 3(b)(1) is amended by inserting, after "or", the last word in the paragraph, the following: "(C) the full period or periods of service beginning with the enrollment which became effective not later than December 31, 1963, and ending with the date on which he becomes an annuitant, or".

(6) Section 3 is amended by adding the following subsection:

"(g) Any annuitant (including an individual receiving monthly compensation as a result of injury sustained prior to the effective date specified in section 16 and who would be an annuitant if the injury or illness had been sustained or contracted on or after that date) who at the time he became an annuitant shall have been enrolled in a health benefits plan under this Act and who at the time he became an annuitant was ineligible to continue his enrollment may, upon his application before July 1, 1964, and under such other conditions of eligibility as the Commission may by regulation prescribe, prospectively enroll in an approved health benefits plan described in section 4 either as an individual or for self and family."

(7) Section 6(d) is amended by the addition of a sentence reading as follows:

"The Commission may terminate the contract of any carrier effective at the end of a contract term if the Commission finds that at no time during the preceding two contract terms did the carrier have three hundred or more employees and annuitants (exclusive of family members) enrolled for its plan."

(8) Section 6(f) is amended by placing a period after the word "contract" in the last sentence and striking the remainder of the sentence.

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

Issued Dec. 4, 1963
For actions of Dec. 3, 1963
88th-1st, No. 196

CONTENTS

Adjournment.....35
Air pollution.....6,21
Apportionment.....7
Appropriations.....5,13,36
Area redevelopment.....18
Assault statute.....34
Beef imports.....16
Coffee.....3
Containers.....10,32
Cotton.....1,33
Employment.....7
Farm credit.....19
Foreign aid.....26
Foreign trade.....4
Forestry.....8,22
Fruits and vegetables 10,32
Lands.....14
Livestock.....4
Loans.....23,31
Mexican farm labor.....11
Milk prices.....30
National parks.....8,22
Patents.....9
Personnel.....7
Prices.....28
Public works.....2,18
Research.....24
River basins.....27
Stockpiling.....20
Surplus products.....4
Tariff.....29
Taxes.....21
Transportation.....25
Vegetable oils.....15
Water pollution.....21
Water resources.....12
Wheat.....17

HIGHLIGHTS: House debated Cooley cotton bill. House committee voted to report public works acceleration bill. Rep. Vanik expressed concern over increase in coffee prices. Senate debated accepting House version of Mexican farm labor bill. Sen. Williams (Del.) charged swindle in forged warehouse receipts for vegetable oils. Sens. McGovern and Burdick and Rep. Berry expressed concern over beef imports. Sen. McGovern supported voluntary wheat certificate plan. Senate subcommittee approved State-Justice-Commerce appropriation bill.

HOUSE

1. COTTON. Began debate on H. R. 6196, the Cooley cotton bill, to encourage increased consumption of cotton, to maintain the income of cotton producers, and to provide a special research program designed to lower costs of cotton production. pp. 21923-55, 21967-70

2. PUBLIC WORKS. The Public Works Committee voted to report (but did not actually report) H. R. 7351, to increase the authorization for appropriations under the Public Works Acceleration Act. p. D950

3. COFFEE. Rep. Vanik voiced concern with the increase in coffee prices which he stated is caused by adoption of the International Coffee Agreement. p. 21922

4. FOREIGN TRADE. Rep. Berry voiced concern over the possible effects on the domestic livestock industry of the forthcoming GATT trade negotiations and inserted a statement by the Chairman of the Nationwide Committee on Import-

Export Policy which states that the Trade Expansion Act of 1962 "has left American industry, agriculture, and labor defenseless against the market ravages of rampant import competition", and inserted a resolution condemning the holding of "existing export markets for surplus agricultural products." pp. 21959-60

5. APPROPRIATIONS. Conferees were appointed on H. R. 8747, the independent offices appropriations bill, 1964. Senate conferees have already been appointed. p. 21921

6. AIR POLLUTION. Conferees were appointed on H. R. 6518, to improve, strengthen, and accelerate programs for the prevention and abatement of air pollution. Senate conferees have already been appointed. p. 21921

7. PERSONNEL; EMPLOYMENT. Rep. Hechler voiced approval of the Bechworth bill to extend civil service apportionment requirements to summer employment which he said would put the summer employment of students "on a merit basis so the average American in all parts of our great land can have an equal chance to compete." pp. 21964-5

8. FORESTRY; PARKS. The Interior and Insular Affairs Committee reported with amendment H. R. 1096, to authorize Interior to cooperate with Wisc. in the designation and administration of the Ice Age National Scientific Reserve (H. Rept. 941). p. 21970

9. PATENTS. The Judiciary Committee voted to report (but did not actually report) with amendment H. R. 8190, to fix the fees payable to the Patent Office. p. D950

10. FRUITS AND VEGETABLES. The Science and Astronautics Committee voted to report (but did not actually report) H. R. 5792, relating to standard containers for fruits and vegetables, to permit the use of additional standard containers. p. D950

SENATE

11. FARM LABOR. Debated a motion by Sen. Ellender to concur in the House amendment to S. 1703, extending the Mexican farm labor program for one year without change (pp. 22046-56, 22060-1, 22061-9). Agreed to a unanimous-consent agreement to vote on the Ellender motion at 1 p.m., Wed. (pp. 22060-1).

12. WATER RESOURCES. Passed, 59 to 19, with amendments, H. R. 8667, authorizing additional appropriations for comprehensive plans for certain river basins. Conferees were appointed. pp. 22013, 22022-41

S. 1111, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning, was made the pending business. pp. 22042-6

13. APPROPRIATIONS. A subcommittee of the Appropriations Committee voted to report to the full committee H. R. 7063, the State, Justice, Commerce, Judiciary, and related agencies appropriation bill for 1964. p. D948

Sen. Morse expressed concern over a report that the President "is urging upon House leaders a compromise appropriation on foreign aid in the amount of $3.4 billion," and contended that an appropriation in this amount "cannot be

(1) engage in such activities and make such studies and investigations as are necessary and desirable in carrying out the policy set forth in section 2 of this Act and in accomplishing the purposes set forth in section 201(b) of this Act;

(2) submit to the Council and the Governor of each participating State a report on its work at least once each year. Such report shall be transmitted through the President to the Congress. After such transmission, copies of any such report shall be sent to the heads of such Federal, State, interstate, and international agencies as the President or the Governors of the participating States may direct;

(3) submit to the Council for transmission to the President and by him to the Congress, and the Governors and the legislatures of the participating States a comprehensive, coordinated, joint plan, or any major portion or necessary revisions thereof, for water and related land resources development in the region, river basin, or group of river basins for which such commission was established. Before the commission submits such a plan or major portion or revision to the Council, it shall transmit the proposed plan or revision to the head of each Federal department or agency, the Governor of each State, and each interstate agency, from which a member of the commission has been appointed, and to the head of the United States section of any international commission if the plan, portion, or revision deals with a boundary water or a river crossing a boundary, or any tributary flowing into such boundary water or river, over which the international commission has jurisdiction or for which it has responsibility. Each such department and agency head, Governor, interstate agency, and United States section of an international commission shall have ninety days from the date of the receipt of the proposed plan, portion, or revision to report its views, comments, and recommendations to the commission. The commission may modify the plan, portion, or revision after considering the reports so submitted. The views, comments, and recommendations submitted by each Federal department or agency head, Governor, interstate agency, and United States section of an international commission shall be transmitted to the Council with the plan, portion, or revision; and

(4) submit to the Council at the time of submitting such plan, any recommendations it may have for continuing the functions of the commission and for implementing the plan, including means of keeping the plan up to date.

Powers and administrative provisions of the commissions

SEC. 205. (a) For the purpose of carrying out the provisions of this title, each river basin commission may—

(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reports thereon as it may deem advisable;

(2) acquire, furnish, and equip such office space as is necessary;

(3) use the United States mails in the same manner and upon the same conditions as departments and agencies of the United States;

(4) employ and compensate such personnel as it deems advisable, including consultants at rates not to exceed $100 per diem;

(5) arrange for the services of personnel from any State or the United States, or any subdivision or agency thereof, or any intergovernmental agency;

(6) make arrangements, including contracts, with any participating government for inclusion in a suitable retirement and employee benefit system of such of its personnel as may not be eligible for or continuing in another governmental retirement or employee benefit system, or otherwise provide for such coverage of its personnel;

(7) purchase, hire, operate, and maintain passenger motor vehicles; and

(8) incur such necessary expenses and exercise such other powers as are consistent with and reasonably required to perform its functions under this Act.

(b) The chairman of a river basin commission, or any member of such commission designated by the chairman thereof for the purpose, is authorized to administer oaths when it is determined by the commission that testimony shall be taken or evidence received under oath.

(c) To the extent permitted by law, all appropriate records and papers of each river basin commission shall be made available for public inspection during ordinary office hours.

(d) Upon request of the chairman of any river basin commission, or any member or employee of such commission designated by the chairman thereof for the purpose, the head of any Federal department or agency is authorized (1) to furnish to such commission such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (2) to detail to temporary duty with such commission on a reimbursable basis such personnel within his administrative jurisdiction as it may need or believe to be useful for carrying out its functions, each such detail to be without loss of seniority, pay, or other employee status.

(e) The chairman of each river basin commission shall be responsible for (1) the appointment and supervision of personnel employed by such commission, (2) the assignment of duties and responsibilities among such personnel, and (3) the use and expenditures of funds available to such commission. In carrying out the provisions of this subsection, the chairman shall be governed by the general policies of such commission with respect to the work to be accomplished by it, and the timing thereof.

Compensation of commission members

SEC. 206. (a) Any member of a river basin commission appointed pursuant to section 202 (b) and (e) of this Act, shall receive no additional compensation by virtue of his membership on the commission, but shall continue to receive, from appropriations made for the agency from which he is appointed, the salary of his regular position when engaged in the performance of the duties vested in the commission.

(b) Members of a commission, appointed pursuant to section 202 (c) and (d) of this Act, shall each receive such compensation as may be provided by the States or the interstate agency respectively, which they represent.

(c) The per annum compensation of the chairman of each river basin commission shall be determined by the President, but when employed on a full-time annual basis shall not exceed the maximum scheduled rate for grade GS–18 of the Classification Act of 1949, as amended; or when engaged in the performance of the commission's duties on an intermittent basis such compensation shall be not more than $100 per day and shall not exceed $12,000 in any year.

SEC. 207. (a) Each commission shall determine the proportionate share of its expense which shall be borne by the Federal Government and each of the States. Each commission shall prepare a budget annually and transmit it to the Council and the States. Estimates of proposed appropriations from the Federal Government shall be included in the budget estimates submitted by the Council under the Budgeting and Accounting Act of 1921, as amended, and may include an amount for advance to a commission against State appropriations for which delay is anticipated by reason of later legislative sessions. All sums appropriated to or otherwise received by a commission shall be credited to the commission's account in the Treasury of the United States.

(b) A commission may accept for any of its purposes and functions appropriations, donations, and grants of money, equipment, supplies, materials, and services from any State or the United States or any subdivision or agency thereof, or intergovernmental agency, and may receive, utilize, and dispose of the same.

(c) The commission shall keep accurate accounts of all receipts and disbursements. The accounts shall be audited at least annually in accordance with generally accepted auditing standards by independent certified or licensed public accountants, certified or licensed by a regulatory authority of a State, and the report of the audit shall be included in and become a part of the annual report of the commission.

(d) The accounts of the commission shall be open at all reasonable times for inspection by representatives of the jurisdictions and agencies which make appropriations, donations, or grants to the commission.

TITLE III—FINANCIAL ASSISTANCE TO THE STATES FOR COMPREHENSIVE PLANNING GRANT AUTHORIZATION

SEC. 301. (a) In recognition of the need for increased participation by the States in water and related land resources planning to be effective, there are hereby authorized to be appropriated to the Council for the next fiscal year beginning after the date of enactment of this Act, and for the nine succeeding fiscal years thereafter, $5,000,000 in each such year for grants to States to assist them in developing and participating in the development of comprehensive water and related land resources plans.

(b) The Council with the approval of the President, shall prescribe such rules, establish such procedures, and make such arrangements and provisions relating to the performance of its functions under this title, and the use of funds available therefor, as may be necessary in order to assure (1) coordination of the program authorized by this title with related Federal planning assistance programs, including the program authorized under section 701 of the Housing Act of 1954 and (2) appropriate utilization of other Federal agencies administering programs which may contribute to achieving the purpose of this Act.

ALLOTMENTS

SEC. 302. (a) From the sums appropriated pursuant to section 301 for any fiscal year the Council shall from time to time make allotments to the States, in accordance with its regulations on the basis of (1) the population, (2) the land area, (3) the need for comprehensive water and related land resources planning programs, and (4) the financial need of the respective States. For the purposes of this section the population of the States shall be determined on the basis of the latest estimates available from the Department of Commerce and the land area of the States shall be determined on the basis of the official records of the United States Geological Survey.

(b) From each State's allotment under this section for any fiscal year the Council shall pay to such State an amount equal to its Federal share (as determined under section 305) of the cost of carrying out its State program approved under section 303, including the cost of training personnel for carrying out such program and the cost of administering such program.

State programs

SEC. 303. The Council shall approve any program for comprehensive water and related land resources planning which is substituted by a State, if such program—

(1) provides for comprehensive planning with respect to intrastate or interstate water

resources or both in such State to meet the needs for water and water related activities taking into account prospective demands for all purposes served through or affected by water and related land resources development, with adequate provision for coordination with all Federal, State, and local agencies having responsibilities in affected fields;

(2) provides, where comprehensive statewide development planning is being carried on with or without assistance under section 701 of the Housing Act of 1954, for full coordination between comprehensive water resources planning and other statewide planning programs and for assurances that such water resources planning will be in conformity with the general development policy in such State;

(3) designates a State agency (hereinafter referred to as the "State agency") to administer the program;

(4) provides that the State agency will make such reports in such form and containing such information as the Council from time to time reasonably requires to carry out its functions under this title;

(5) sets forth the procedure to be followed in carrying out the State program and in administering such program; and

(6) provides such accounting, budgeting, and other fiscal methods and procedures as are necessary for keeping appropriate accountability of the funds and for the proper and efficient administration of the program.

The Council shall not disapprove any program without first giving reasonable notice and opportunity for hearing to the State agency administering such program.

Review

SEC. 304. Whenever the Council after reasonable notice and opportunity for hearing to a State agency finds that—

(a) the program submitted by such State and approved under section 303 has been so changed that it no longer complies with a requirement of such section; or

(b) in the administration of the program there is a failure to comply substantially with such a requirement, the Council shall notify such agency that no further payments will be made to the State under this title until it is satisfied that there will no longer be any such failure. Until the Council is so satisfied, it shall make no further payments to such State under this title.

Federal share

SEC. 305. (a) The Federal share for any State shall be 100 per centum of the cost of carrying out its approved program less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the entire United States, except that (1) the Federal share shall in no case be more than 66⅔ per centum or less than 33⅓ per centum, and (2) the Federal share for Puerto Rico and the Virgin Islands shall be 66⅔ per centum: *Provided*, That in no event shall the Federal share exceed a State's allotment under section 302.

(2) The Federal shares shall be promulgated by the Council on the basis of the average of the per capita incomes of the States and of the entire United States for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. The first such promulgation shall be conclusive for the first fiscal year for which payments are made under the provisions of this title and the succeeding fiscal year, and a promulgation shall thereafter be made for each succeeding two years and shall be conclusive for such years.

Payments

SEC. 306. The method of computing and paying amounts pursuant to this title shall be as follows:

(1) The Council shall, prior to the beginning of each calendar quarter or other period prescribed by it, estimate the amount to be paid to each State under the provisions of this title for such period, such estimate be based on such records of the State and information furnished by it, and such other investigation, as the Council may find necessary.

(2) The Council shall pay to the State, from the allotment available therefor, the amount so estimated by it for any period, reduced or increased, as the case may be, by any sum (not previously adjusted under this paragraph) by which it finds that its estimate of the amount to be paid such State for any prior period under this title was greater or less than the amount which should have been paid to such State for such prior period under this title. Such payments shall be made through the disbursing facilities of the Treasury Department, in such installments as the Council may determine.

Definition

SEC. 307. For the purpose of this title the term "State" means a State, the District of Columbia, Puerto Rico, or the Virgin Islands.

TITLE IV—MISCELLANEOUS

Authorization of appropriations

SEC. 401. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of title I and II and the administration of title III.

Rules and regulations

SEC. 402. The Council is authorized to make such rules and regulations as it may deem necessary or appropriate for carrying out those provisions of this Act which are administered by it.

Delegation of functions

SEC. 403. The Council is authorized to delegate to any member or employee of the Council its administrative functions under section 105 and the detailed administration of the grant program under title III.

Utilization of personnel

SEC. 404. The Council may, with the consent of the head of any other department or agency of the United States, utilize such officers and employees of such agency as are necessary to carry out the provisions of this Act.

Employee benefits

SEC. 405. The Civil Service Commission of the United States is authorized to contract with any commission established under section 201 of this Act for coverage of the river basin commission's employees in the employee benefit programs of the Federal Government, as provided in section 205(a)(6) of this Act.

Mr. MANSFIELD. Mr. President, for the information of Senators, I wish to state that this bill has been made the pending business, but no action on it will be taken this afternoon.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED—HOUSE AMENDMENT

Mr. ELLENDER. Mr. President, I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 1703.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1703) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, which was, to strike out all after the enacting clause and insert:

That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963" and inserting "December 31, 1964".

Mr. ELLENDER. Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Louisiana [putting the question].

Mr. MANSFIELD. Mr. President, if the Senator from Louisiana will yield, and if it is agreed that in doing so he will not lose his right to the floor, I wish to suggest the absence of a quorum.

Mr. JAVITS. First, Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. Does the Senator from Montana withhold his suggestion of the absence of a quorum?

Mr. MANSFIELD. Yes.

Mr. JAVITS. First, Mr. President, will the Chair restate the motion which has been made by the Senator from Louisiana?

The PRESIDING OFFICER. Yes; the Senator from Louisiana has moved that the Senate concur in the amendment of the House to Senate bill 1703.

Mr. JAVITS. Mr. President, under the rules, is it in order to move, as a substitute, that the House amendment be referred to a committee?

The PRESIDING OFFICER. That would be in order, under rule XXII, which sets forth the various motions available to the Senate.

Mr. JAVITS. Then, Mr. President, with the permission of the majority leader, and if the Senator from Louisiana will permit, I now suggest the absence of a quorum.

Mr. ELLENDER. Very well; but I point out that I still have the floor.

The PRESIDING OFFICER. The absence of a quorum has been suggested; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that further proceedings under the quorum call may be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, a moment ago I moved that the Senate concur in the House amendment to 1703.

When the bill was sent to the Senate by the House a few weeks ago I consulted with a number of Senators, and particularly with the distinguished Senator from Minnesota [Mr. MCCARTHY]. It was agreed that it would be useless to send the bill to conference, because we could debate the issue involved by making a motion to concur in the House amendment.

The House amendment would eliminate from the Senate bill the so-called McCarthy amendment, which would have the effect of killing the bill.

The McCarthy amendment provided, in effect, that there be given to American workers the same opportunities given to Mexican workers; as to workmen's compensation, occupational insurance coverage, housing, and so forth. The Senate Committee on Agriculture and Forestry concluded that with such language in the bill the effect would be more or less to kill the bill.

Mr. President, the Mexican farm labor program has been before Congress since 1951. It was enacted at that time in order to provide effective control procedures for the movement of Mexican nationals into the farmlands in the United States. Prior to the enactment of the program covered by the bill now before the Senate, many Mexicans swam across the Rio Grande into the United States to work for whatever wages they could obtain. Immigration authorities found that as many as 500,000 Mexicans had entered the United States without authority.

Because there were no control features and because there were so many so-called wetbacks involved it presented a special problem to both the Mexican and United States Governments.

Many of us believed that this problem could be handled much better by providing a law, under which the United States and Mexico could enter into an agreement whereby the Mexican laborers could be sent into the United States in quantities sufficient to take care of what is more or less stoop labor.

Mechanization has relieved the pressure for many workers. However, in the absence of adequate machinery, it was and is necessary for the farmers in California, in Arizona, and in many of the border States as well as the States of the interior, to obtain additional labor, for the reason that laborers could not be hired locally. It is difficult to hire Americans to do stoop work; to gather cotton, to harvest fruits and vegetables, and to do other things of that kind.

As a result of the passage of the act in 1951, the employment of Mexicans was handled in a more orderly manner, and the wages agreed upon and fixed were, of course, more equitable. With the adoption of adequate control procedure fewer and fewer Mexicans came into our country illegally.

In subsequent years, the act passed in 1951 was amended in order to satisfy some of the opposition to the program which arose. It seems that many individuals felt that the program should not be reenacted for a number of reasons. Some felt that it did not do justice to the Mexicans. Others felt that the American worker was not given the same opportunity to be employed as the Mexican worker.

The Mexicans who are hired and contracted for are provided with housing, transportation, insurance, a guarantee in regard to being crippled, and various other things including a firm contract to work. In other words, both employers and employees are protected.

Requests were made to amend the bill so that American employees would receive the same benefits as would accrue to Mexican laborers.

As time went on, and as cultivating and harvesting machinery was improved, the number of Mexican laborers decreased considerably. Today the number of Mexicans who come into the country to do stoop labor is a pittance as compared to what it was in 1951.

As machinery was developed, improved, and became more complex, the committee saw fit to add to the law provisions which made it almost impossible for Mexican labor to be employed except to do stoop work or manual labor. Prior to the last two extensions of the Mexican labor law, Mexicans were permitted to do other than stoop work.

The law for which an extension is now sought provides just that; namely, that the Mexicans who will be employed next year in this country will be employed principally to do stoop labor.

I am told that unless the extension is granted, many of the crops in California, Arizona, and other States bordering on or located near Mexico will suffer considerably. Particularly is that true of the State of Texas, where many crops are grown for which it is necessary to have a large number of laborers.

So far we have been unable to invent machines that make it possible to pick melons, lettuce, or other vegetables of that kind, or even to pick certain kinds of beans.

It is therefore necessary that the law be extended.

When the bill was before the Senate, the proponents of the measure desired an extension of 2 years, instead of 1 year. The committee saw fit to provide merely for an extension of 1 year, in the hope that the measure could go through the Senate without too much difficulty. But when the bill was presented to the Senate, the Senator from Minnesota [Mr. McCarthy] offered his amendment, which, in my opinion, had the effect of nullifying the law.

The McCarthy amendment, in including work period guarantees, went beyond the request of the Secretary of Labor when he presented a draft bill to the Senate on March 26.

The first amendment offered by the Senator from Minnesota, which contained the language finally adopted, plus an additional section, lost by a tie vote of 45 to 45. The amendment which was adopted was agreed to by a vote of 44 to 43—only by 1 vote. Subsequently, a motion by the Senator from Minnesota to table a motion by me to reconsider the third reading was rejected by a vote of 45 to 45, and the motion to reconsider the third reading was then rejected by a vote of 45 to 45.

The House Committee on Agriculture rejected the McCarthy amendment by a vote of 28 to 4.

The McCarthy amendment was offered in the House by Representative Rosenthal as an amendment in the nature of a substitute for an amendment offered by Representative Roosevelt. Representative Rosenthal's amendment was defeated in the House by a vote of 79 to 131.

I call attention to the votes in the Senate to show how close they were. In the House, however, the vote was overwhelmingly against the McCarthy amendment. I express the hope that the Senate will agree to the simple motion I have made. So far as I am concerned, I wish to give assurance to the opponents that I shall not move in the future to extend the law any further than the year 1964.

It is my belief that by giving this notice in advance, the proponents of this law will be warned that the Senate will not act again on this measure and that they must begin to look elsewhere for relief.

I am sure that in Texas, and probably in other States, such as California and Arizona, particularly, many crops are now growing that will mature in the early part of next year. If the Senate fails to extend the law, there will be much loss to the farmers who are now engaged in planting and cultivating crops.

I wish to state to the Senate something else that may occur. There may be a reversion to the old method of Mexicans swimming across the Rio Grande, in violation of our immigration laws. If that is permitted, labor from Mexico will continue to come into this country, as was true before 1951. Wages will be lowered. No doubt the Mexicans will come in greater numbers than would be true otherwise.

I express the hope that the Senate will vote favorably on the motion I have made. If that is done, all persons will be on notice that, beginning in 1965, other methods will have to be used to provide for stoop labor. What they will be, I am unable to say at this time. However, the farmers will at least be warned in advance.

I wish to repeat again that the motion merely extends the existing law for 1 year. No changes are made in the existing law, except that the year of expiration is 1964 instead of 1963. By so doing, I feel confident it will be of assistance to farmers. It will also assist Mexicans in that they will work under the same conditions as in 1963.

I do not know what the effect will be on our relations with Mexico. A good many proponents of the bill take the position that unless there is an extension it will do violence to our relations with Mexico. I do not know that it will do that. However, it is something that we must consider. There is no doubt that many Mexicans who come to this country and send their money back to Mexico do perform a service, by more or less giving dollars to Mexico that Mexico needs. The adverse effect on our relations with Mexico if this bill is not extended has never been discussed or determined by the committee. However, during the debate some time ago the matter was brought up, and it was said that it would cause some friction between our countries. I hope it will not be so.

When the question of the labor contracts between the United States and Mexico was first discussed, I attended the conference in Mexico City. We had very cordial relations then. I hope that the cordial relationship will continue in the future.

I have nothing further to say, except that I hope the Senate will agree to the motion that I have made.

Mr. McCARTHY. Mr. President, I commend the chairman of the Committee on Agriculture and Forestry for his statement regarding his determination that this program shall end after 1 year. I accept his statement. I am sure that he will not, as he said, again propose an extention of the program.

Of course, he does not speak for the people who have advocated this legislation through the years. The record shows that from the beginning of this program in 1951 it has been presented as a temporary program, and that every time it came under debate, the argument was made that the program would be extended for only 1 more year or for 2 years more.

In each of those debates, when it was proposed that certain standards and requirements be established to give protection to potential American migratory workers, the argument was made that we did not need to set up such protection because the program was to be phased out in 1 or 2 years.

Therefore, in the course of approximately 12 years we have heard the same argument made over and over again, and the same presentation of the program has been made, namely, that it is a temporary program designed to meet a problem for only a short length of time.

Again today we find ourselves in the same situation. I should like to review the history of the case which has been made for an extension, a reextension, and still other extensions of the program since 1951.

When the program was proposed in 1951, the Senate debated the bill from April 26 until May 7, when it finally passed the bill. At that time it was strongly opposed by the late Senator Chavez, of New Mexico, who personally knew something of the problems of the migratory workers in the Southwestern States.

At that time I was a member of the House Committee on Agriculture. I recall the arguments that were made in committee and in debate on the floor of the House. Two principal arguments were advanced in support of the program. One was that the Korean conflict had resulted in a manpower shortage. The Government of Mexico at that time opposed having Mexican nationals come to work in this country under the exploitive conditions which prevailed then. Most of these workers came in illegally, and were generally described as wetbacks. Officials of the Mexican Government came to our country, and asked us to provide for some kind of protection for their people who were coming into the United States to work in the cottonfields and in the production of vegetables and fruits and other crops in the southwestern part of our country.

It was stated that it would be necessary to enact legislation if we were to have an orderly and decent program; otherwise, these officials said, no Mexicans would be permitted to come.

This was a threat on the part of the Mexican Government, and a protest on the part of the Mexican Government, against the kind of treatment that its nationals had been receiving.

Therefore, a temporary measure was proposed. The program for the importation of Mexican workers came before the House for consideration on June 26, 1951.

Representative COOLEY, who handled the bill on the floor of the House, made the following statement:

> American agriculture has embarked upon a greatly expanded program. High production goals have been fixed and the farmers of the Nation have been called upon to produce the abundance which will be needed. American agriculture has been called upon again to fill the bread basket of democracy. We can recall with great pride how the American farmer discharged his assignment in World War II. Our farmers performed magnificently and actually amazed the world with their production.
>
> The bill which we are presenting seeks to deal with an unfortunate situation. It is unfortunate that we do not have in America sufficent farm labor to harvest the abundant production of our farm labor. There is no question about a shortage of farm labor. Everyone familiar with the situation is apparently willing to admit that there is a great need for a great number of laborers for the farms of America.

Representative POAGE advanced similar arguments. He said:

> Last year we were barely able to pick that cotton crop with the labor force that was available—and it included a substantial number of Mexicans, both contract Mexican nationals and illegal entrants. Since that time there have been thousands of American boys who have left those farms and gone to work in the industries of the Nation, in the war plants, and in the Armed Forces of the country. Our own labor force is not nearly as large as it was 1 year ago. We were barely able, with a long picking season, to gather 9,750,000 bales of cotton. With 16 or 17 million bales this year and a smaller force to gather it, how can we hope to have that fiber without the help of our neighbors to the south? How can we hope to save the beet crop of America without someone who is willing to get down on his hands and knees and do the stoop labor required to do it?

Representative Clifford Hope stressed that it was a temporary program, stating:

> The Committee on Agriculture held extensive hearings on this bill. We gave it a great deal of consideration in executive session. We heard a large number of witnesses. We heard all the different viewpoints, and as a result of this very exhaustive consideration we bring you this bill which I feel does what it sets out to do. It is a temporary measure but one which will meet the present situation. It will help alleviate the shortage of certain types of farm workers and will enable our farmers to help meet the obligation which has been put upon them by the Secretary of Agriculture to produce the greatest amount of food and fiber that has ever been produced by the farmers of this country.

The same view was expressed by Representative Hill of Colorado who said:

> Yes. There is another thing I want to say, and that is this is a temporary bill. This bill expires on December 31, 1953. What we are trying to do here is to take care of the situation during this war emergency.

Mr. President, the Korean conflict has been over for 10 years.

Great changes have taken place in planting and harvesting crops. Mechanization has eliminated much of the hand labor formerly required for cotton and some other crops in which braceros were used.

At the same time we have gone from a period of a somewhat tight manpower situation in 1951 to one of widespread unemployment. Unemployment for the past 5 years has been at the average yearly rate of 5.5 percent or more. The Department of Agriculture has estimated unemployment and underemployment among our rural population at a rate equivalent to 4 million workers. In 1962, California growers contracted or recontracted for 127,000 Mexican nationals under this program—but at the same time the estimated annual average of unemployed domestic workers in California was 395,000, or more than twice the number of Mexicans who were imported under this program.

Across the Nation, the number of farms and farmworkers has declined sharply since 1952. In 1962 alone the number of hired farmworkers averaged 4 percent less than in 1961, and the number of family farmworkers was down 3 percent last year.

All these facts indicate that if displaced and unemployed farmworkers were offered conditions of work regarding transportation, housing, and work period guarantees comparable to those enjoyed by Mexican nationals, the needs could be met without using foreign workers.

Mr. ELLENDER. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. ELLENDER. Is the Senator arguing that if a contract were entered into let us say, by workers from Illinois, the farmer could enforce that contract in the same manner as he is capable of enforcing a contract involving Mexican labor?

Mr. McCARTHY. It would depend upon the terms of the contract. If it were a formal legal contract, it would be enforcible at law.

Mr. ELLENDER. As the Senator knows, if a contract were entered into by an American worker who went from Illinois to Nevada, the worker could not be forced to work. He might work for 2 or 3 days and then leave. However, if a Mexican laborer refused to work, he would be deported. Personally, I do not believe there would be any way by which to enforce a contract between an American laborer and a farmer. It would be impossible to do so, under the law.

Mr. DOUGLAS. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. Do I correctly understand the Senator from Louisiana to urge as an argument for the bracero bill that Mexicans can be held to involuntary servitude, whereas Americans cannot be?

Mr. ELLENDER. I did not argue that at all. I said that if a Mexican refused to work, he could no longer remain in the country; he would have to return to Mexico. The inducement for him to remain in this country is that he continue to work. On the other hand, if the worker were an American, such a contract would be illegal under the law, as I understand it.

Mr. DOUGLAS. I suspect that the labor contract of an American is what is termed an at-will contract, which is not binding. The Senator from Louisiana is saying that the great advantage of bringing in Mexicans is that no matter what the conditions, no matter how poorly they may be treated, they must

continue to work under penalty of expulsion from this country. I think that is involuntary servitude; and under the 13th amendment, involuntary servitude is outlawed by the Constitution.

Mr. McCARTHY. The proceeding under this law is one of providing rented "slaves." It is not a question of having to buy them and take responsibility for them for a long period of time. Essentially, the commitment is similar to that under slavery, except that it is a sort of temporary servitude; and the penalty for not working, as the Senator from Louisiana has said, is that the workers will be returned to Mexico. They are, of course, free to leave their work and return to their own country. The pressure on them is that if they refuse to work, they must return to their own country.

Mr. ELLENDER. A Mexican is free to leave whenever he desires; but the condition under which he may remain in the country is that he must work under the contract he entered into. If after a few days of employment he wants to quit, he may quit; but he must return to Mexico; he may not remain in this country.

Mr. McCARTHY. If Americans were offered employment, and offered the same terms as were offered Mexicans, I assume from the statement of the Senator from Louisiana that they would be offered such employment only on the counterconsideration that they would not be free to leave their jobs and find employment in other areas. This is a consideration. But if Americans were offered similar terms and conditions to remain, most of them would seek this kind of work and continue to work and fulfill their obligations, if there were a contract.

Mr. ELLENDER. There would be no way to enforce such a contract.

Mr. McCARTHY. That is quite correct. There would be no weapon or pressure to use on the Americans. But I am satisfied that if they were offered comparable terms, they would be willing to work and to fulfill the contract.

Mr. DOUGLAS. The 13th amendment of the Constitution provides:

> Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

It seems to me to be somewhat regrettable at this stage that there can be involuntary servitude for Mexicans but not for Americans, and that therefore Mexicans can be brought in.

Mr. McCARTHY. I do not think there is any question but that this kind of control over the workers is one of the reasons that many employers desire a continuation of the program.

Mr. DOUGLAS. I once spent some weeks in Arizona and happened to meet a Mexican living there who had apparently entered this country illegally. He was in mortal terror that he would be shipped back. He was scared to death of his employer, because he believed his employer knew he had entered this country under difficult circumstances. He was afraid he might be sent back, so he did not feel himself to be a free agent.

Mr. McCARTHY. Certainly the Mexican workers constitute unfair competition for potential American agricultural workers. The conditions that have been described are important considerations. Mexican workers are carefully screened, so it is not necessary for an employer to take run-of-the-mill Americans, as he would have to do if he hired his employees from American workers. Most of the Mexicans come alone, so the growers do not have their family responsibilities to be concerned with.

Mr. ELLENDER. The Senator will concede, I am certain, that if the proposed extension is not granted, there may be a recurrence of conditions that existed prior to 1951, when Mexican labor came by the thousands, some of them swimming across the Rio Grande, and becoming known, as the Senator stated a while ago, as "wetbacks." Many of them had to remain hidden, too, in order to escape arrest by immigration officials. My fear is that there might be a recurrence of that situation.

Certainly the type of contract that is now entered into with the sanction of both the American Government and the Mexican Government is not, by any means, of the kind described by the Senator from Illinois [Mr. DOUGLAS] as a slavery contract, because a Mexican can enter the United States and leave the next day, if he desires.

Mr. McCARTHY. The Senator is quite correct.

Mr. ELLENDER. The important point is that if he quits, he must return to Mexico.

Mr. McCARTHY. That is correct.

Mr. ELLENDER. That is the only difference.

Mr. McCARTHY. I believe the argument just made by the Senator from Louisiana about the danger of a recurrence of the wetback problem and illegal entries of Mexican workers if the legislation is not continued is subject to challenge.

This very argument was made in the debates as long ago as 1951. It was stated that because of the wetback problem, the Mexican farm labor bill should be passed.

At that time the Senate adopted an amendment offered, I believe, by the Senator from Illinois [Mr. DOUGLAS], which would have made some improvement in the situation, but the amendment was lost in conference. As a result, the program did not play a significant role at that time in solving the wetback problem.

Two years ago, I wrote to Commissioner of Immigration Swing on this particular point and asked whether he thought the passage of the legislation had had any significant effect on the wetback problem. He replied that it did not play any significant part in the solution of the wetback problems. In his letter, he said:

> U.S. DEPARTMENT OF JUSTICE,
> IMMIGRATION AND
> NATURALIZATION SERVICE,
> *Washington, D.C., February 8, 1961.*
>
> Hon. EUGENE J. MCCARTHY,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR MCCARTHY: Your letter requesting information as to the possible effect of proposed modification of Public Law 78, addressed to the Attorney General, has been referred to this Service for reply.
>
> In response to your first question, the Service does not believe that the enactment of Public Law 78 on July 12, 1951, brought about a significant reduction in illegal wetback entries. From the attached table it will be observed that for at least 3 years following the enactment of that law the apprehension of wetbacks rose appreciably to the all-time high of over 1 million in the year ending June 30, 1954. The provisions of Public Law 78 were largely inoperative in certain areas of the country because of the availability of wetback labor. Not until the stemming of the tide of illegal entry during the year 1954 was the lawful importation of Mexican braceros firmly established as the chief source of alien agricultural labor in the United States.
>
> In this connection you may be interested in the enclosed article on the subject which appeared in the July 1956 issue of the I & N Reporter. This article contains statistics as to the number of agricultural laborers admitted annually during the years 1950 through 1956. On page 8 of this article there is a partial answer to your second question in the paragraph which reads:
>
> "The so-called wetback problem no longer exists. The southern border has been secured. The Immigration and Naturalization Service now has control over the illegal entries of Mexicans. However, continuous efforts must be made by the Service to maintain this security and to prevent illegal entry. The continued support of the Mexican Government, employers of laborers, other agencies, and the Congress is needed to assure the success of this program."
>
> If bracero or domestic labor is not available in the United States, the pressure of illegal entry on our southern border will undoubtedly increase. If the Service is given the same authorized manpower, however, I am confident that the control of the border can be maintained.
>
> Sincerely,
>
> J. M. SWING,
> *Commissioner.*

That is the judgment of the Commissioner of Immigration on this point.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. PROXMIRE. Does the Senator know of anyone in the United States who is a better authority on this subject than the Commissioner of Immigration?

Mr. McCARTHY. No. I think he is the expert on whom we must rely.

Mr. PROXMIRE. Is it not true that on this subject he can speak with greater authority and greater knowledge than anyone else; and is it not also true that we must accept his judgment on this subject, unless we obtain contrary evidence?

Mr. McCARTHY. Yes, for he is the best source of information on this question.

Mr. PROXMIRE. Does the Senator know of any hard evidence of any kind which is contradictory of the statements made by Commissioner Swing?

Mr. McCARTHY. No. All the evidence sustains the statements he has made. It was clear that effective control came only when our officials improved control of the border and began to use all their strength, as well as that of the Mexican Government, to stop such illegal entries.

Mr. PROXMIRE. So the argument that the bracero program is necessary in order to prevent illegal entries by Mexicans is not supported by the evidence we have and the statistics which are available, which demonstrate that the bracero program has nothing whatever to do with prevention of illegal entry by Mexicans into the United States?

Mr. McCARTHY. I think the evidence fully sustains the position implied by the Senator's question.

Mr. PROXMIRE. I thank the Senator from Minnesota.

Mr. ALLOTT. Mr. President, will the Senator from Minnesota yield to me?

Mr. McCARTHY. I yield.

Mr. ALLOTT. I understood the Senator from Minnesota to say that the Commissioner of Immigration stated that in 1954—which really was 2 years after the act went into effect, although it was passed in 1951—the apprehension reached an alltime high. I wonder whether there is in the Commissioner's statement anything to show that after the passage of the bracero bill, the Immigration Service of the United States made an intense drive to round up all the illegal entrants into the United States—an intense drive which it had not made theretofore. I have personal knowledge of this, at least insofar as it pertains to my own State. I also have personal knowledge that many of those who were rounded up—some of whom had been in the State 10 or 11 years, and thus had been able to circulate in the labor market, wherever they could get work—were then returned to Mexico.

Mr. McCARTHY. Yes. The Commissioner's statement was that it was not the enactment of that law which caused the decline in the number of wetbacks who entered and the number who were returned by the Immigration Service, but, rather the cause was the more thorough enforcement of the immigration laws.

Mr. ALLOTT. I would agree with the Commissioner's statement in this respect: During that period the Immigration Service, for some reason—I suppose it was to make the law partially workable—conducted a drive, with which I am in wholehearted accord, to return those people to Mexico. But I would go further, and suggest that I do not think anyone can correctly contend that the wetback situation—of course, I refer to the illegal entrants, not to those who have entered under the bracero law—would be improved to any extent if this bill did not become law for another year. It would become worse, because these people—and anyone who has been to Mexico to any extent knows this—look to the United States with eyes of envy and wonderment, and wish to come to the United States because those who are in the United States do so much better than those in Mexico. Therefore, I would not wish to state for a minute that the enactment of this law would shut off the incursion of wetbacks; but neither do I think that it can be successfully argued that this incursion will not increase—because I think it will increase to some extent.

Mr. McCARTHY. That is a possibility. All I can do is set against the Senator's opinion the statement of the Commissioner of Immigration, who says:

> If the Service is given the same authorized manpower, however, I am confident that the control of the border can be maintained.

We must wait to see what the actual results will be before we can determine who is more nearly correct—the Senator from Colorado or the Commissioner of Immigration.

Mr. ALLOTT. Has the Senator from Minnesota ever been to Brownsville, Nogales, El Paso, or any of the other border towns, and seen there the many thousands of people who daily cross the border between the two countries, by crossing the bridges, and who are subject to only cursory examination? It would be almost impossible to provide the Immigration Service with a force sufficiently large to be able to check on those who thus walk back and forth, across the border, let alone to check on those who go up the river. Unfortunately, the river does not have as much water as it used to have in it at various places. So those who wish to cross the river there do not have to swim across it; generally they can wade across it. Sometimes they can actually ride across it. So it is very difficult to maintain effective control for a distance of a thousand miles or more, and thus prevent the illegal entry into the United States of Mexicans who seek to cross that river at one point or another. It would be almost impossible even to check on those who seek to cross the border at El Paso and at various places farther down the river. That job would require perhaps double the present force.

Mr. McCARTHY. Again, all I can do is cite the opinion of the Commissioner of Immigration, who stated, in his letter, that the Immigration Service could handle the situation. I have cited the best available authority—the Commissioner of Immigration—who, I am sure, has seen the situation which has been described to us by the Senator from Colorado, and who was personally and directly active for many years in this field.

Mr. President, I oppose the motion that the Senate concur in the amendment of the House of Representatives to Senate bill 1703.

The Senate should follow the traditional procedure in connection with proposed legislation when there is a substantial difference between the Senate version and the House version.

The Senator from Louisiana [Mr. ELLENDER], the chairman of the Committee on Agriculture and Forestry, has said that if the Senate provision is retained, the House will refuse to accept it. But I submit that this shows there is a substantial difference between the two versions, and that therefore, if for no other reason, a conference should be held, in order to discuss the difference.

If the differences were so slight that the House would accept it anyway, we could say, "Why go to conference on a minor point?"

But here he acknowledges that this is a major difference. The only argument made against going to conference is that the House will not accept the Senate version. If this were the case, each time a major difference between the House and Senate occurred, the argument could be made that because of this difference we should surrender to the House and accept their version because the differences are so great.

If we look into it further than that, we make a kind of "numbers" argument, saying that the reason why we should give in to the House on this issue is that the amendment offered by myself and a number of other Senators was passed by a single vote. Then we have to look up the vote in the House on the same issue. When we do so, we really get into difficulty, because the record in the House shows that when they first voted on extension of Public Law 78 last May, the whole program was rejected by the House. The vote was 174 to 158 against extension. Then on October 31 the House reversed itself and approved a 1-year extension by a vote of 173 to 158. There were two votes in the House. On one occasion the vote was 174 against extension and then later the vote was 173 in favor of extension; in both cases there were 158 on the other side. So if we consider the total vote in both rollcalls—counting House Members twice—the difference comes out to a single vote. The numbers game really does not take us very far.

We are moved back again to the question of whether the action of the Senate in adopting the amendment, even though it was by a single vote, should be sustained in conference.

The will of the Senate stands today, as it did on August 15. A majority of Senators supported the position that the Senate was willing to extend this program for 1 year only on the condition that employers make a reasonable offer to provide some benefits to domestic workers before they turned to importing Mexican nationals.

The immediate question is: Shall the Senate accept the judgment of the House Committee on Agriculture—which removed the Senate amendment from S. 1703—or shall the House be required to consider the decision of the Senate at least in conference?

This special legislation, I believe we should note, provides benefits for only about 33,000 of the more than 3 million farmers in the Nation.

This program adversely affects American farmworkers who are already underprivileged. It should not be extended unless some action is taken to safeguard the rights of these citizens.

There is evidence that the special benefits that a few growers get from this program gives them a competitive advantage over family farm operators who

grow the same crops in other sections of the Nation. We should not be authorizing the importation of foreign workers at a time when our rural population suffers from great unemployment and underemployment.

All the defenses made for this program, and all the pleas to let the growers have Mexican nationals for 1 more year, cannot hide the central fact that this program has depressed the economic and social conditions of domestic migratory workers. It has adversely affected the welfare of American citizens who, even before the program was established 12 years ago, were the most underprivileged group in the United States.

In 1952, when the Mexican farm labor program went into effect, male migratory farmworkers in the Nation averaged $7.35 per day. During the last 10 years as many as 400,000 Mexican nationals annually have entered the United States under Public Law 78 to compete with Americans. In 1961, the average wage of male migratory farmworkers was $6.70 per day—65 cents per day less than they averaged in 1952. This was a period in which wages throughout the economy rose sharply and in which costs for the necessities of life also greatly increased.

A wage of $6.70 a day is $40.20 for a 6-day week, or $160 per month. But these workers would praise the Congress if our action would only guarantee them $160 per month; for these men do not work regularly. They work during special seasons, depending on the weather and depending on the size of the crop—and they suffer from extensive seasonal unemployment. In 1961 they averaged only 109 days of farmwork a year. They managed to get a few days of nonfarm work, but the report of the Department of Agriculture shows that the total wages earned—farm and nonfarm—of the male migratory farmworkers, who did 25 days or more of farm wagework in 1961, was $1,039.

Mr. President, I ask unanimous consent to have printed in the RECORD the table from the Department of Agriculture publication "The Hired Farm Working Force of 1961," relating to wages of migratory farmworkers.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE 34.—*Average days worked and wages earned at farm and nonfarm wage work by persons who did 25 days or more of farm wage work, by migratory status, and sex of worker, selected years, 1949–61*

Year, migratory status, and sex	Farm and nonfarm			Farm			Nonfarm		
	Days worked	Wages earned		Days worked	Wages earned		Days worked	Wages earned	
		Per year	Per day worked [1]		Per year	Per day worked [1]		Per year	Per day worked [1]
	Number	*Dollars*	*Dollars*	*Number*	*Dollars*	*Dollars*	*Number*	*Dollars*	*Dollars*
1949:									
Migratory	119	594	4.95	89	448	5.00	30	146	4.80
Male	135	739	5.50	98	549	5.60	37	190	5.20
Female	82	234	2.85	67	198	2.95	15	36	2.35
Nonmigratory	173	719	4.15	148	574	3.85	25	145	5.85
Male	190	818	4.30	165	655	3.95	25	163	6.65
Female	102	291	2.85	76	224	2.95	26	67	2.55
1952:									
Migratory	124	884	7.15	87	600	6.90	37	284	7.75
Male	144	1,101	7.60	99	731	7.35	45	370	8.15
Female	65	259	4.00	53	222	4.20	12	37	3.10
Nonmigratory	169	911	5.40	140	698	5.00	29	213	7.40
Male	195	1,074	5.50	161	815	5.05	34	259	7.70
Female	68	265	3.90	58	234	4.00	10	31	3.20
1954:									
Migratory	156	1,033	6.60	124	794	6.40	32	239	7.35
Male	166	1,160	6.95	135	899	6.65	31	261	8.30
Female	117	565	4.80	81	410	5.05	36	155	4.25
Nonmigratory	169	972	5.75	145	800	5.50	24	172	7.05
Male	187	1,119	5.95	161	919	5.70	26	200	7.60
Female	91	344	3.75	75	287	3.80	16	57	3.45
1956:									
Migratory	143	1,178	8.25	116	935	8.05	27	243	9.15
Male	157	1,369	8.70	126	1,069	8.50	31	300	9.55
Female	91	500	5.55	81	458	5.70	10	42	4.35
Nonmigratory	162	958	5.90	140	776	5.55	22	182	8.10
Male	189	1,188	6.30	163	958	5.90	26	230	8.95
Female	86	295	3.40	73	254	3.45	13	41	3.25
1957:									
Migratory	131	859	6.55	115	745	6.45	16	114	7.25
Male	148	1,045	7.05	129	900	7.00	19	145	7.55
Female	80	304	3.80	75	280	3.75	5	24	4.45
Nonmigratory	147	898	6.15	127	737	5.80	20	161	8.05
Male	168	1,095	6.50	145	895	6.15	23	200	8.70
Female	78	270	3.50	67	233	3.45	11	37	3.55
1959:									
Migratory	143	911	6.40	119	710	6.00	24	201	8.40
Male	156	1,025	6.60	128	782	6.10	28	243	8.70
Female	88	447	5.05	81	418	5.15	7	29	4.05
Nonmigratory	165	1,063	6.45	142	852	6.00	23	211	9.10
Male	188	1,278	6.80	162	1,019	6.30	26	259	9.95
Female	85	314	3.70	72	271	3.75	13	43	3.25
1960:									
Migratory	157	1,016	6.50	123	819	6.65	34	197	5.90
Male	174	1,170	6.70	138	949	6.85	36	221	6.10
Female	90	444	4.95	66	336	5.05	24	108	4.55
Nonmigratory	170	1,143	6.75	142	889	6.25	28	254	9.20
Male	190	1,339	7.05	160	1,040	6.50	30	299	10.05
Female	96	427	4.45	76	335	4.45	20	92	4.60
1961:									
Migratory	136	902	6.65	109	677	6.25	27	225	8.40
Male	144	1,039	7.20	115	774	6.70	29	265	9.20
Female	101	340	3.40	82	280	3.40	19	60	3.25
Nonmigratory	160	1,083	6.75	139	919	6.60	21	164	7.75
Male	183	1,306	7.15	160	1,112	6.95	23	194	8.60
Female	83	326	3.95	67	265	4.00	16	61	3.85

[1] Rounded to the nearest 5 cents.

Mr. McCARTHY. Mr. President, this situation would be unthinkable for any other economic group in the Nation. Protests would be heard from coast to coast if auto workers or steel workers or chemical or laundry workers or retail clerks were averaging only $6.70 per day—to say nothing of what would happen if we approved a law authorizing the Department of Labor to enter into an international agreement with a foreign nation to import its nationals to compete with these workers. But the persons involved here are the homeless ones, poorly educated, unorganized, moving from place to place with no leaders from their own ranks able to speak for them.

And now we are asked to extend this program which discriminates against these people, which increases their burdens, which makes their task of living even more difficult, without even making an attempt to go to conference or to hold the Senate amendment which provides for these neglected citizens a minimum of protection.

Mr. PROXMIRE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. GORE in the chair). Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. McCARTHY. I yield.

Mr. PROXMIRE. The Senator from Minnesota said that people about whom he has been speaking are people who have been drifting from their home base and have no voice in Congress which can be raised for them. I believe he is correct.

Is it not true that the real weakness of these people is the fact that, by and large, they are people who do not live permanently in one State? The chances are they are not registered to vote. Few if any do vote. It is very obvious they are not the kind of people who could bring any direct, political, organized pressure to bear. The result is that they have no political strength and no political muscle. If there is no appeal to the conscience of the Senate in recognition of the needs of these people to have some opportunity to take part in the great economic progress we have enjoyed in America in the past few years, they will be left out because they are people that do not have the kind of pressure and force needed to have their problems brought to the attention of Congress.

Mr. McCARTHY. I believe the best evidence of that is the manner in which the legislation was treated by Congress this year. The Senate committee bill which provided for a 1-year extension, was reported to the Senate without any hearings. I believe the Senator knows that if there is any support or opposition to a bill that is well organized in the country, the least concession made to that organized group is to hold hearings and permit people to come in and testify before the respective committees of Congress dealing with the proposal.

The bill was reported to the Senate without any hearings.

Mr. PROXMIRE. Can the Senator from Minnesota imagine what would happen if proposed legislation to authorize the importation of some manufactured goods that would compete with an industry which was well established in this country should come before a committee? Can the Senator imagine a situation in which no hearings would be held to permit a manufacturer to appear before a committee of Congress and protest?

Mr. McCARTHY. It is extremely difficult to imagine circumstances under which no hearings would be permitted to be held. Even the Department of Labor had not been heard on this particular proposed legislation. It appeared as though the advocates wanted to do the deed both quickly and quietly. Fortunately, the Department of Labor was able to express its views through a side window at the hearing held by the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare.

At that hearing it was possible to obtain testimony from the Department of Labor and Under Secretary of Labor John F. Henning testified on the administration position regarding the extension of Public Law 78 on July 30. Excerpts from his testimony are as follows:

> With an inexhaustible supply of alien workers at our very borders we find, conversely, that the terms and conditions of employment offered domestic workers not only remain static but in many cases are less favorable than those offered domestic workers in areas where no alien workers are employed. We find, further, the incredible situation where alien workers are offered better terms and conditions of employment than are afforded our own agricultural workers competing for the same jobs.
>
> Essentially, Senator, it is because of this that we submit Public Law 78 is a broad law; it is a wretched law that should be buried. Being an American citizen places one at a serious disadvantage under the option of this law, because the simple fact is that under the present system an employer can refuse to offer domestic workers the same terms and conditions that he is required to offer alien workers. If the domestic worker refuses to accept the job at less favorable terms, the employer is permitted to bring in Mexican workers who are then afforded the very terms and conditions which were denied to our own workers.
>
> This situation exists basically because of the limited authority vested in the Department of Labor under Public Law 78. The legislative history of that law makes it abundantly clear that the Congress did not intend to permit the Secretary of Labor to require, as a condition of obtaining Mexican workers, that all of the same terms and conditions afforded Mexican workers be offered first to domestic workers. It is for this reason that we would oppose any further extension of Public Law 78 without amendments which would bring the required job offers made to Mexicans and to domestic workers to an approximate level. * * *
>
> In a very real sense, the availability of domestic workers depends largely upon the terms and conditions of employment offered. The exemption of agricultural employment from most social legislation such as minimum wage, unemployment insurance, and to a significant extent old-age and survivors' insurance, makes such employment unattractive to our own unemployed domestic workers. Low wages, poor working conditions, inadequate housing facilities in the area of employment, complicate the recruitment picture. With a large reservoir of foreign workers available there is a propensity to depend upon this source of labor supply rather than to extend more attractive offers to domestic unemployed workers. The result—employment of Mexican workers in this country at the expense of unemployment of domestic workers.
>
> We are thus confronted at this time with the simple question of whether we should continue to any extent subsidizing, at the expense of the taxpayers of this Nation, a farmworker program which prolongs and aggravates this unfortunate situation. The resultant unemployment not only saddles the local communities with all the costs attendant upon giving public assistance and other forms of aid to unemployed workers, but it exacts a terrible price in loss of human dignity and human resources—a price that dictates the need for everyone to extend every effort to avoid these consequences.
>
> The amendment recommended by the administration, and transmitted to the President of the Senate on March 26, is designed to narrow the existing differential. Its objective is to make the job offers more attractive without imposing any undue burden on agricultural employers. It would require—this is the administration position on Public Law 78—it would require employers seeking to obtain Mexican workers to offer to domestic workers workmen's compensation or occupational insurance coverage, housing, and transportation expenses equivalent to that furnished Mexican workers. Mind you, this would not close the gap. The Mexican worker is guaranteed the right to collective bargaining with the growers, a right denied American farmworkers; he is guaranteed employment under the contract period, 75 percent of the contract period is assured him, but the gap would be narrowed here in a significant manner.
>
> None of these provisions would require employers to incur any greater expense in obtaining domestic workers than they are now assuming in obtaining and utilizing Mexican workers. The costs of employing domestic workers under this proposal would be substantially less than the costs of employing Mexican workers.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that the first sentence of article 8 of the Migrant Labor Agreement of 1951, as amended, reads as follows:

> Mexican workers shall not be assigned to work nor permitted to remain in localities in which Mexicans are discriminated againsts because of their nationality or ancestry.

Mr. McCARTHY. The Senator is correct.

Mr. DOUGLAS. Under this provision, which provides that neither Mexican nationals nor Americans of Mexican ancestry shall be discriminated against, communities have been forced to admit these groups to community facilities, such as swimming pools, parks, playgrounds, schools and the like.

Mr. McCARTHY. Yes. There was testimony—or at least statements—to the effect that in order to obtain such workers segregation practices regarding such facilities had been discontinued.

Mr. DOUGLAS. In other words, a public accommodations law prevails for Mexicans and Mexican-Americans; is that correct?

Mr. McCARTHY. It would apply to Mexican nationals in this country, but not necessarily to Americans.

Mr. DOUGLAS. That is the point. As I understand the amendment of the Senator from Minnesota, which was adopted

by the Senate, it provides that American workers shall not be discriminated against in comparison with Mexican workers on the job; that is, they shall have the same labor rights, including workmen's compensation, housing, transportation, and work period guarantees; is that true?

Mr. McCARTHY. Yes. Those are the limits, really, of what we ask.

Mr. DOUGLAS. If we agree to the proviso that Mexicans and Mexican-Americans shall not be discriminated against socially in comparison with Americans of non-Mexican ancestry, why should there be any objection to having Americans treated as well as Mexicans on the job? Should not nondiscrimination be a two-way street? Mexicans should not be discriminated against socially in comparison with Americans, and Americans should not be discriminated against economically in comparison with Mexicans.

Mr. McCARTHY. That seems a most logical case.

Mr. DOUGLAS. Is that not what the Senator from Minnesota really is trying to establish?

Mr. McCARTHY. I really do not ask that American workers be treated as well as Mexican nationals. I ask only that the gap between the kind of treatment given Mexican nationals and the kind of treatment given to Americans be somewhat reduced.

There is an argument in support of the Mexican national program. It has established some standards. The standards for the most part were written in Mexico City, for migrant workers, to be applied only to Mexican nationals. At least the program has established some standards to which we can point, as we try to improve the conditions of American migratory workers.

Mr. DOUGLAS. Yet we are told that if we provide a greater degree of comparability in working conditions for Americans as compared with Mexicans, the big planters and farmers will reject the bill; is that correct?

Mr. McCARTHY. That is what is presented as a kind of threat. I do not consider it a threat. It is almost in the nature of a hopeful promise. But that is the situation as we consider the question of whether we ought to go to conference and insist on the terms the Senate adopted several months ago.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator has said that Mr. Henning of the Department of Labor testified that the bill was a wretched bill which should be buried unless something like the McCarthy amendment were adopted. In taking that position I presume the Under Secretary was speaking not merely for himself as an individual, but was speaking first for the Department of Labor; and, second, for the Kennedy administration; is that not correct?

Mr. McCARTHY. I believe that is the only conclusion which could be reached.

Mr. PROXMIRE. The position of the Kennedy administration—and President Kennedy was President at that time—was that the bill should not be passed unless American domestic agricultural migrant workers were given exactly the same protection as Mexican workers are given.

Mr. McCARTHY. They did not go so far as to say exactly the same.

Mr. PROXMIRE. At least, to the modest extent which the distinguished Senator from Minnesota has urged on the Senate and has succeeded in getting the Senate to adopt.

Mr. McCARTHY. I have a letter from W. Willard Wirtz, Secretary of Labor, dated November 1, 1963. The letter is in response to an inquiry from me requesting the administration's position on the extension of Public Law 78. He said:

> The administration has continued to maintain the position I indicated before the House Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture on March 27. We support a 1-year extension, provided the act is amended to require employers seeking to obtain Mexican workers to demonstrate that they have offered to domestic workers workmen's compensation or occupational insurance coverage, housing and transportation expenses equivalent to that furnished Mexican workers.
>
> We are opposed to an extension without these amendments.

The position of the administration, as stated on November 1 by the Secretary of Labor, was that without amendment the extension for 1 year was opposed by the administration; that it would rather have the program end.

Mr. PROXMIRE. So the administration would oppose the measure as it would be before the Senate if the Ellender motion should prevail?

Mr. McCARTHY. That is the only possible interpretation that can be put upon this letter.

Mr. PROXMIRE. The administration is against it. I thank the Senator.

Mr. McCARTHY. The Senate bill, in effect, told the growers that the Senate would go along with a 1-year extension, provided the growers were willing to take a limited step toward recruiting domestic workers.

We did not ask the growers to provide American workers with the same benefits they provide Mexican nationals under the International Agreement. Undoubtedly that would have been denounced as revolutionary.

Rather, the benefits required by the Senate bill are very limited in comparison with the benefits guaranteed to Mexican nationals under the International Agreement.

It is interesting to read some of the guarantees which the Mexican Government insists upon before it will let its citizens come to work in our Nation.

The statement of conditions in the International Agreement runs 22 pages, in double columns. I am sure many American migratory workers would like to work under a contract which provided such guarantees.

For example, article 8 of the International Agreement provides:

> Mexican workers shall not be assigned to work nor permitted to remain in localities in which Mexicans are discriminated against because of their nationality or ancestry.

I ask unanimous consent that the text of article 8 be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE 8. PROHIBITION AGAINST DISCRIMINATION

Mexican workers shall not be assigned to work nor permitted to remain in localities in which Mexicans are discriminated against because of their nationality or ancestry. Within a reasonable time after the effective date of this agreement and from time to time thereafter, the Mexican Ministry for Foreign Relations will furnish the Secretary of Labor a listing of the communities in which it considers that discrimination against Mexicans exists. If there is concurrence by the Secretary of Labor that there is such discrimination in any such area, he will not issue, or where appropriate will withdraw, the authorization provided for in article 10.

If the Secretary of Labor does not concur, the appropriate Mexican consul may request a statement signed by the chief executive officer or officers or the chief law enforcement officer of the community in which the Mexican workers are to be employed, pledging for the community that—

(a) No discriminatory acts will be perpetrated against Mexicans in that locality; and

(b) In the event that the Mexican consul reports the existence of acts of discrimination against any Mexican because of ancestry or nationality, the local governmental officers who signed the statement will have such complaints promptly investigated and take such community and individual action as may be necessary to fulfill the community pledge.

The Mexican Government will permit employment in such areas if such pledges are furnished.

If, notwithstanding the foregoing, the Mexican consul reports that discriminatory acts have been committed against Mexicans because of their nationality or ancestry in a locality where Mexican workers are employed, the Mexican consul having jurisdiction in the locality may request the representative of the Secretary of Labor to join the Mexican consul in a joint investigation in which event the procedure prescribed in article 30 of this agreement will be followed.

Explanatory note: The use of the word "authorization" is simply an editorial change to conform the language in this provision with the appropriate terminology contained in articles 1 and 10.

Joint interpretation and amendment of March 1954

The Government of Mexico will not include "counties" under article 8 of the agreement in the list of towns, communities, localities and places where it is considered that discrimination exists against Mexicans on account of their nationality or of their ancestry.

Mr. McCARTHY. We do not include such protection in the Senate bill. As I read the article, it goes beyond the protections provided in the proposed civil rights bill for American citizens. The prohibition is not confined to certain kinds of public accommodations, but refers to communities.

Article 21 of the same agreement gives the Mexican workers the right to elect their own representatives "who shall be recognized by the employer as spokesmen for the Mexican workers."

I ask unanimous consent to include in the RECORD at this point the text of article 21.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE 21. REPRESENTATIVES OF MEXICAN WORKERS

The Mexican workers shall enjoy the right to elect their own representatives who shall be recognized by the employer as spokesmen for the Mexican workers for the purpose of maintaining the work contract between the Mexican workers and the employer: *Provided*, That this article shall not affect the right of the Mexican worker individually to contact his employer, the Mexican consul, or the representative of the Secretary of Labor with respect to his employment under this work contract.

Joint interpretation of August 1954

This article is designed to assure that Mexican workers are permitted to elect, by a majority vote, a representative for the sole purpose of presenting to their employers only those complaints arising out of failure of the employer to comply with the Migrant Labor Agreement of 1951, as amended, or the work contract.

The elected representatives may be an individual or individuals from the workers' own numbers, or from any legitimate and bona fide labor organization and the employer must recognize such representatives as spokesmen for the workers. This interpretation does not in any way deprive the worker of the right to be represented in any case by a Mexican consul.

A worker may personally or through the elected representative present his claim to the employer and the employer is, under article 21, required to deal with either the worker individually or the elected representatives on complaints arising out of the work contract.

If, however, an individual worker desires to have his complaint presented by a personal representative other than the one elected by the majority of the workers pursuant to article 21, the employer is required to recognize such representative only to the extent that such recognition is required by Federal or State law.

Mr. McCARTHY. We are not proposing that American farmworkers be given the right to organize or elect their spokesmen to represent them, although the international agreement gives such rights to Mexicans imported under this Act.

Article 32, in effect, provides a guarantee that the United States will pay Mexican workers their wages and other cash benefits if the employer defaults. An American worker, of course, can go into court and sue if he does not get paid, but this is a costly and time-consuming process. Under this article, the Mexican workers have the strongest guarantee possible for collecting their wages—the pledge of the U.S. Government. I am certain that American migratory workers would be pleased to have the Government guarantee their wages in this fashion—but the Senate amendment does not ask for this protection.

I ask unanimous consent to have printed at this point in the RECORD article 32 of the international agreement.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARTICLE 32. GUARANTEES BY U.S. GOVERNMENT AND SECONDARY LIABILITY OF ASSOCIATION MEMBERS

(a) The Government of the United States guarantees the performance by employers of the provisions of this agreement, including the work contract, relating to the payment of wages, which shall include for the purpose of this article cash wages and all other forms of remuneration to a Mexican worker, and relating to the furnishing of or payment for transportation. The employer agrees that he will reimburse the United States for any amounts paid by the United States in pursuance of such guarantee.

(b) The Government of the United States shall, with respect to any amount found to be due from a defaulting employer, pay to the Mexican Government, as agent of the Mexican worker the amounts determined to be due within 20 days after the final determination has been made as to the employer's indebtedness, or as promptly as possible thereafter. With respect to any contributions found to be due from a defaulting employer pursuant to article 25 of the work contract the Government of the United States shall make payment under its guarantee directly to the Government of Mexico for transmission to the Mexican Social Security Institute.

(c) Where there has been a final determination, finding an association in default of its obligations to a Mexican worker under this agreement, arising out of the association's violations of the terms and provisions of this agreement, in the event of the association's failure to pay any amount found due, the individual members of the association for whom Mexican workers are obtained shall be liable for such amount to the extent of their pro rata share as members of the association. In the event of such final determination, arising out of the association member's violation of the terms and provisions of this agreement, the association member shall be liable for any amounts found due from the association if the association defaults.

(d) The employment of any Mexican workers by a member of an association shall constitute acceptance by such member of the obligations provided under the terms and provisions of this Agreement.

(e) Whenever the Secretary of Labor determines that the individual liability of a member of an association is not necessary to assure performance of the association's obligations to the United States, he may waive such liability.

Explanatory note: The purpose of the amendment contained in paragraph (a) of article 32 is to indicate the extent of the U.S. Government's guarantee to the Mexican worker.

The amendment contained in paragraph (b) of article 32 is designed to clarify the authority of the Government of the United States to pay to the Mexican Institute of Social Security contributions due that agency from a defaulting employer. The amendment contained in paragraph (b) also authorizes the Government of the United States to pay any amount due a worker from a defaulting employer to the Mexican Government on behalf of the Mexican worker. This provision contemplates that payment to the Mexican Government shall constitute payment to the Mexican worker.

The amendment contained in paragraph (c) of article 32 is for the purpose of spelling out the liability of the individual members of an association to the United States in the event of the association's default under its contract.

The amendment contained in paragraph (d) is to provide assurance that the employment by any member of an association of any Mexican workers shall subject that member to all of the obligations and responsibilities provided under the terms and provisions of the agreement and the standard work contract.

Mr. McCARTHY. Mr. President, article 35 involves the U.S. Government in using its moral influence with the State and local authorities "to the end that Mexican workers may enjoy impartially and expeditiously the rights which the laws of the United States grant to them."

It further guarantees that no Mexican workers shall be employed if the employment presents a menace to their health or safety.

I ask unanimous consent that pertinent sections of article 35 be printed at this point in the RECORD.

There being no objection, the extracts were ordered to be printed in the RECORD, as follows:

ARTICLE 35. PROTECTION OF MEXICAN WORKERS

(a) The Government of the United States of America agrees to exercise special vigilance and its moral influence with State and local authorities, to the end that Mexican workers may enjoy impartially and expeditiously the rights which the laws of the United States grant to them.

(b) No Mexican workers shall be employed or remain employed where their employment by the employer would present a menace to their health or safety.

Mr. McCARTHY. Article 11 guarantees that all employment of Mexican workers shall be governed by terms of the work contract. The work contract runs 13 double column pages and includes numerous items not generally provided by contract for domestic workers—nor are these benefits provided in the Senate amendment.

The work contract includes a provision that "subsistence shall be furnished to the worker at no cost him whenever he is not afforded the opportunity to work 64 hours or more in each 2-week period." This provision is in addition to the work period guarantee.

Also:

When the employer furnishes meals to the Mexican worker, they shall be furnished at cost, but in no event shall the charge to the Mexican worker exceed $1.75 for three meals.

This is a kind of "truth in feeding" amendment, I may say to the Senator from Illinois [Mr. DOUGLAS].

If the employer does not provide restaurant facilities, the work contract requires that:

He shall furnish, when requested by Mexican workers, preparing their own meals, necessary cooking utensils and facilities, including fuel ready for use for cooking purposes.

Mr. President, the Senate bill does not include these nor many other benefits listed in the International Agreement and the Standard Work Contract. The bill adds only four of the many items which would have to be included if we legislated that the employer must offer the same benefits to American workers that he offers to Mexican nationals.

And even with these four items the Senate bill does not require identical benefits, but only comparable ones.

The Senate bill provides that if growers want Mexican nationals they must first offer American workers the following:

First. Workmen's compensation or occupational insurance coverage comparable to that provided Mexican nationals.

This is not an unreasonable requirement. This is not unemployment in-

surance. It is workmen's compensation in case of injury or illness incurred in line of work.

Second. Housing provisions comparable to those offered Mexican nationals. This proposal is not new. It was discussed by Mr. Goldberg when he was Secretary of Labor. In his statement before the Senate Committee on Agriculture, June 13, 1961, he stated that the Department would not expect growers to furnish housing for an entire family since the present agreement only requires housing for single Mexican nationals. He stated:

For example, take the housing situation. The Mexican laborer coming to the United States comes up himself; he doesn't bring his family. We wouldn't want this to happen to us; we want a man to live with his family as much as possible, and not leave his family stranded somewhere, usually on relief. The impulse to move his family is an impulse to support his family with dignity. So it would be unfair to the growers to insist that they provide housing for a family when they only provide housing for a single worker under the system which operates under the Mexican labor program.

But we can do this. We have reliable statistics which demonstrate what the cost of providing that single housing is and we can give the domestic worker the financial equivalent of that cost so he can apply it toward the housing of his family.

Third. Transportation comparable to that offered Mexican nationals. This also is a reasonable request, and Secretary Goldberg had suggested this back in 1961. Mexican nationals have their transportation costs paid by the grower. He testified how the Department would handle this matter if domestic workers were guaranteed a comparable benefit. He stated:

Take the transportation allowance. Today in most instances, as I pointed out, the domestic worker must pay for his own transportation.

Now we could allow the domestic worker the same transportation allowance which now is being paid by employers to bring in Mexican labor.

Now I read the record—you can take some horrible examples—and I found the statement made, "Well, this means that the Secretary will require that a grower who will want labor will recruit it in North Carolina and have to pay the expenses of bringing labor from North Carolina up to the State of Washington."

This is the case, the horrible example.

Well, in the first place, that is an extremely unlikely occurrence, as you, Senator, can testify better than anybody, your workers are not going to uproot themselves from your fine State and go wandering all the way across the face of the Nation.

However, it is very interesting that when our farmers, when some of these growers wanted Mexican labor, they sent them across the face of the Nation and paid for them.

Our figures show that transportation allowances were paid for Mexican labor at that and even greater distances.

But if we get this amendment, as I hope we will, I can say to you quite categorically that we are going to administer it in the spirit of reasonableness, that we are going to issue regulations—and this is a firm commitment in this record—that will assimilate the cost on a sensible basis comparable to what is being paid by employers for Mexican labor. And here, too, that is a statistical matter, and we can easily work out how this is to be done.

Now, I have also seen the objection raised that there are safeguards in the Mexican labor program to see to it that if a worker does not fulfill his commitment, the transportation allowance is refunded to the employer. There is no reason why we cannot work out arrangements which we have worked out by voluntary agreement in our annual workers plan whereby our employment services—our Federal Employment Service, together with our State employment services—now recruit people and send them considerable distances. And we work out arrangements, under those plans, to protect the employer by reserving the transportation allowance and providing if there is a breach that it is deductible from the amount of compensation which is available to the worker. And this is not hard to do. And I would be perfectly willing to work out our regulations so that we can take care of this particular problem.

Fourth. Work period guarantees. The international agreement provides that the employer shall guarantee Mexican nationals the opportunity to work for at least three-fourths of the workdays of the period during which the work contract is in effect. If it is reasonable that Mexican nationals have a work period guarantee, a comparable benefit should be offered to domestic workers who also have to travel. One reason, of course, for labor shortages in local areas is that domestic workers from the surrounding territory cannot afford to come as easily as Mexican nationals since they have neither transportation benefits nor a minimum work period guarantee.

I submit that on all counts the arguments are against the extension of the program unless this very limited and modest amendment, which was adopted by the Senate after prolonged debate, and after three or four very serious test votes, is adopted. The least we can ask is that the decision made by the Senate be taken to conference with representatives of the House of Representatives.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Minnesota. I take it that what he is saying is that he hopes there will be an emphatic "nay" vote on the motion of the Senator from Louisiana.

Mr. McCARTHY. I urge, on the merits of the case we have made, and also in protecting what I consider to be the integrity of an action taken by the Senate, that the motion before the Senate be rejected.

I yield the floor.

Mr. WILLIAMS of New Jersey. Mr. President, it has been said that the poor are always with us; I am beginning to think that the braceros will always be with us. In this session, 200,000 foreign workers who are used primarily by three States have taken up a great deal of the time and energy of the Congress. The House of Representatives has voted twice on a bracero bill. The measure is now before the Senate for a second time. It is unfortunate that the eloquence and energy that have been devoted to extending a temporary program still have not been turned toward legislation to help the more than 2 million American men, women, and children who follow the crops.

It is even more ironic that the Congress seems to have shown more concern for the well-being of foreign workers than it has for American citizens. The bill before us now is a simple 1-year extension of the Mexican farm labor program. It does not contain the Senate amendment which would insure that the job offer to American workers contains the same benefits offered to the Mexican. If the Senate does not insist on its amendment, the Mexican worker will continue to receive workmen's compensation protection, free transportation to and from his job, adequate housing, and a guaranteed amount of work. The American citizen is still not assured these benefits and protections.

The claim has often been made that braceros cannot displace American workers because a farmer must first prove that he has been unable to find Americans to do the work. But the grower must only offer to Americans the same wage as he does to the bracero. The American worker must get himself to the job, scramble for decent housing when he gets there, and still not have any assurance that the job will last long enough to make his effort worth it. The interests of the bracero are looked after and carefully protected by the Governments of the United States and Mexico. The American migrant is completely on his own.

It is obvious that the bracero has a considerable advantage over the American worker. The American may receive a similar wage offer, but he has none of the protections and benefits offered to the Mexican. In August, the Senate acted to rectify this unfair situation. Under the terms of the amendment, the grower would be required to offer the same housing, workmen's compensation protection, and transportation, and guaranteed work period now given to the Mexican. This amendment incorporated the recommendations of the Secretary of Labor. In fact, administration support for still another extension of this "temporary" program was conditioned on the inclusion of these provisions.

This amendment will impose no burden on the farmer. For 12 years he has been willing and able to provide these benefits for the bracero; surely he can and must do the same for his fellow citizens.

I know that many of my colleagues feel that the bracero program should come to an end. Its longrun effect has been to deprive tragically underemployed Americans of the work they know best. It has held down agricultural wages. It has prevented the construction of decent family housing for American workers. It has made several of our largest agricultural States unnecessarily dependent on a foreign labor supply.

Recognizing that an abrupt cutoff might impose hardships on those growers whose production had become completely tied to a foreign labor source, the Senate agreed to the 1-year extension asked by the Secretary of Labor. But—and this is a very important but—the Senate only agreed to an extension which included the amendment so eloquently urged by Secretary Wirtz. The

Secretary stated on behalf of the administration that, "We are opposed to an extension without these amendments."

If we must continue this program for another year, let us at least correct one longstanding injustice. Fairness to our own citizens demands that the Senate insist on the administration amendment which it has already approved. I and many of my colleagues voted to extend the bracero program only because it contained this fairness amendment. Without it, the program remains a continuing injustice, and I cannot support it. I hope my colleagues who favor this program will keep in mind that the House bill is not acceptable to the administration. If the Senate accepts the House version, I hope the President will veto the bill.

The hardships the bracero program has imposed on the American farmworker have continued too long. As this imported labor program comes to an end, growers should recognize that only better treatment of American workers will bring them the stable and reliable labor force they need. Practical economics, as well as humanitarian concern, compel the American farmer to do for his fellow citizens what he has been willing to do for the foreign worker. Legislation has been introduced which will lift the American migrant from second-class citizenship to full participation in the American way of life. Let the farmer support that legislation, and he will find that he has all the workers he needs. But he cannot any longer avoid providing decent working conditions and decent wages for American workers by relying on a foreign labor source.

BRACERO PROGRAM TERMED NECESSITY FOR WYOMING

Mr. McGEE. Mr. President, in this modern age it is difficult to remember that there are still many jobs that must be performed by hand and, unfortunately, our American civilization has progressed to a point where many Americans, without employment, find some occupations so uncomfortable that they will not perform them.

This is the case in the cultivation of sugarbeets, a major industry in the State of Wyoming. Although much of this agricultural operation has become mechanized in recent years, there are still jobs which cannot be done by machine—thinning and hoeing for example—without serious loss of productivity.

In the Wyoming beetfields these jobs are now done by imported farmworkers from Mexico—braceros. Many people have complained that by importing these workers we are denying jobs to local workers in a time when unemployment has become all but chronic in many areas of the Nation. The truth is that there have been many attempts to use local people for these jobs and invariably those recruited for such labor do not stick to the job and cause considerable hardship to the farmers who must find last minute replacements for them. The braceros have proved that they can and will do this type of work and I support the extension of the legislation to permit their entry into the United States for that purpose, as I have on every occasion since coming to the Senate.

The State of Wyoming has 23 counties, 8 of which are major sugarbeet producers. Sugarbeet processing factories are located in the towns of Torrington, Worland, and Lovell. The production of sugarbeets and, therefore, a large part of our agricultural economy is based upon the continued supply of economical labor for this difficult field work.

It is very possible that within a few years new chemical and mechanical processes will make even this type of manual labor unnecessary. Until that time, the use of braceros is a necessity for Wyoming's sugarbeet industry.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMINICK. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FRAUDULENT WAREHOUSE RECEIPTS OF SOYBEAN AND OTHER VEGETABLE OILS

Mr. WILLIAMS of Delaware. Mr. President, within the past couple of weeks considerable publicity has been given to the mysterious manner in which a multimillion-dollar swindle in fraudulent warehouse receipts of soybean and other vegetable oils has been perpetrated by the Allied Crude Vegetable Oil Refining Corp., of Bayonne, N.J., one of the Nation's biggest suppliers of oil for export.

The Wall Street Journal of November 22, 1963, carried an article on this transaction entitled "About $15 Million of Soybean Oil Gone, Dealer Says—Forged Orders Are Claimed." In this same paper there was notice of two brokerage firms being suspended as the result of the loss they were expected to sustain as holders of some of these faked warehouse receipts. I understand that these brokerage houses have since been reinstated or taken over.

Yesterday, December 2, 1963, the Wall Street Journal carried another long article on this same subject; this time the article was entitled "Outdoing Billie Sol—How Phantom Salad O Was Used To Engineer $100 Million Swindle—Commodity Dealers, Storage Firms, Banks Duped at Big Tank Farm in New Jersey."

Since this story first broke I have received numerous calls concerning the possible connection this company may have had with the soybean oil deal which I denounced in the Senate under date of August 15, 1963. On that date I called attention to the fact that in 1961 the Department of Agriculture had sustained a sizable loss under contracts for the procurement of 500 million pounds of refined salad oil and shortening—principally soybean oil. This oil had been bought by the Government on the excuse that they were supporting the price of soybeans. In reality on the date of the purchase the market for soybeans was considerably in excess of the support price.

It was later found that in accepting delivery of this oil practically all of it had been of an inferior quality or was packed in leaking containers, with the result that it was rejected in the numerous countries throughout the world as unfit for human consumption.

My remarks concerning that scandalous situation may be found in the CONGRESSIONAL RECORD of August 15.

Following the recent disclosure of a multi-million-dollar swindle in forged warehouse receipts for vegetable oils, I began getting inquiries as to whether or not the same company, the Allied Crude Vegetable Oil Refining Co., was involved in both swindles.

The answer is yes, Allied Crude & Vegetable Oil Refining Co. was involved in both transactions. I have conferred with the Comptroller General, and in the light of the recent developments he has approved the release of the complete report in connection with this first case, dated December 27, 1962, No. B–149686. This complete report is now available at the Comptroller General's Office to anyone interested in obtaining a copy.

In addition to this report of December 1962, a supplemental letter was received from the Comptroller General's Office under date of February 26, 1963. This second letter outlines in greater detail certain aspects of the case.

The Comptroller General, after conferring with the Department of Justice, has agreed to release the full report of December 27, 1962, and to the release of the supplemental information as contained in his letter of February 26, 1963, minus two sections concerning pending or contemplated litigation.

Accordingly, I am at this point asking that there be incorporated in the RECORD first, the Comptroller General's letter of December 2, 1963, authorizing the release of this material. Second, I ask that there be printed that portion of the Comptroller General's letter of February 26, 1963, the release of which they have approved. The Comptroller General's report itself is too voluminous to have incorporated in the RECORD; however, as stated earlier, it is available at his Office upon request.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, December 2, 1963.

The Honorable JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: Reference is made to our conversation with you concerning the release to the press of our report of December 27, 1962, and supplemental letter report of February 26, 1963, regarding certain aspects of the procurement of salad oil and shortening by the Commodity Credit Corporation, Department of Agriculture.

We have reviewed the contents of those reports both in this office and with Department of Justice representatives. We have found no objection to the release of the report of December 27, 1962, and will do so in accordance with your request.

As indicated to you in our telephone conversation of November 27, there are certain

established order with distrust, scorn, or hatred.

Mr. President, the brutal truth of recent events demands action. It is time for the Congress to take stock, to shape up. To do otherwise would be to risk the fate of other democracies, no less noble political institutions of the past, that through neglect and decadence became mere debating societies—their former power absorbed by all-powerful executives.

CIVIL RIGHTS LEGISLATION

Mr. DOUGLAS. Mr. President, in view of the fact that I understand an informal agreement has been reached to have the yea-and-nay vote on the pending Ellender motion on the bracero bill held at 1 o'clock tomorrow, I feel I am not interfering with the business of the Senate by asking unanimous consent that two editorials published this morning in the New York Times and Washington Post, respectively, be printed in the RECORD at this point in my remarks.

These editorials make the point that the civil rights bill has been before Congress for almost 6 months, and that there seems to be very little prospect that it will be voted on by the other body this year.

Both of these two eminent and influential newspapers urge that Congress take action and at least bring the civil rights measure before the Senate before adjournment for the Christmas holidays.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 3, 1963]

TOO MUCH DELAY ON CIVIL RIGHTS

The declaration by Representative ALBERT, the House majority leader, that he sees no possibility of a House vote on civil rights in this session is deeply disquieting to all who hoped President Johnson's strong plea for quick action would break the long stalemate in Congress. Once again the deep-freeze tactics of Chairman SMITH of the Rules Committee are preventing the House from expressing its will on a measure which the Nation needs and which, there is good reason to believe, a majority in both parties favor.

The result of this footdragging is bound to be an intensification of the resentment that has prompted Roy Wilkins of the NAACP to warn that his organization will set up a purge list of Congressmen hostile to civil rights legislation. Mr. Wilkins, whose sound judgment has been exhibited repeatedly over the years, must be aware that purge lists are a double-edged sword—aggravating divisions in the community and often backfiring against the causes they are supposed to serve.

Organized labor learned this lesson in the immediate postwar years, and has been careful to avoid any suggestion of a national purge list ever since. Civil rights groups will continue to make their greatest progress—as has been suggested by Bayard Rustin, principal organizer of last summer's March on Washington—by broadening their ties with all the other community forces that share their determination to make equal opportunity a reality for all Americans.

The place where this progress is most emphatically needed today is in the House. The defeatism of the majority leader ought not to become the death knell for the sense of urgency President Johnson tried so hard to impart. "We have talked long enough in this country about equal rights," he declared. "We have talked for a hundred years or more. It is time now to write the next chapter, and to write it in the books of law."

Representative BOLLING of Missouri has announced that he will circulate a petition to bypass the Rules Committee and thus break the logjam. He will have to buck the traditional reluctance of the House to force discharge of a bill before Chairman SMITH has signified his imperial pleasure to have it go forward (except where handouts to veterans are concerned). He is also up against the apparent resolve of Congress to adjourn for the Christmas-New Year holiday on December 20.

With all these handicaps to overcome, his effort will require a supreme demonstration of support from the leaders of both parties and from the country if it is to produce a vote this session.

[From the Washington Post, Dec. 3, 1963]

TOUCHSTONE

It is time for a showdown on civil rights. The issue has plagued and divided the country far too long. Congress simply cannot, in good faith to the American people, go home for the holidays without at least bringing the civil rights bill to a vote in the House.

There are two devices by which the bill can be brought to a vote. One is for the House Rules Committee to send the bill to the House floor without delay. It should do so at once. The House Judiciary Committee has held full and fair hearings on the bill and has reported a sound and effective measure. Additional hearings in the Rules Committee can have no other purpose than obstruction. The Rules Committee's function is simply to fix the conditions for debate on the House floor. It can fulfill this function before the House meets tomorrow if Chairman HOWARD SMITH will stand aside, or if a majority of his committee will take the measure away from his obstructive control.

The other device is a discharge petition. Representative RICHARD BOLLING, a member of the Rules Committee, has already set this procedure in motion. It can be successful only if the petition obtains 218 signatures, a majority of the House membership; and it cannot bring the bill to the floor for debate until December 23, 2 days before Christmas. It would be harsh to make the Members of Congress stay in Washington through Christmas. But it is worth remembering that other Americans, in the service of their country, will be spending Christmas in South Vietnam, in Korea, and in other distant outposts. And if Congressmen, forced to stay here for the holidays, want to know who killed Santa Claus for them, they can look to the man who compelled recourse to the discharge petition: HOWARD SMITH.

If the discharge petition is necessary, let the signers make themselves known. For this will, in itself, be the touchstone, the decisive vote, on civil rights. Those who sign the petition will be recorded and known as supporting civil rights; those who fail to sign will be identified as opposed.

President Johnson and his legislative spokesmen can do no less than compel Congress to remain in session until the House acts. Postponement will be a betrayal of the hopes and faith of millions in the orderly processes of representative government. No Member of the House can, in good conscience, go home to observe the birthday of the Prince of Peace without casting a vote in favor of the brotherhood of man.

INJUSTICES IN EXISTING TAX LAWS

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the body of the RECORD an able article entitled "Machines Are More Important Than People (Yes or No?)," written by Philip M. Stern, and published in the New York Times magazine of December 1, 1963. Mr. Stern is writing a series of articles which make a strong case for tax reform and which point out with great cogency and exactitude the many injustices and paradoxes contained within existing tax laws.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MACHINES ARE MORE IMPORTANT THAN PEOPLE (YES OR NO?)

(By Philip M. Stern)

The following is an attitude test. Do you agree or disagree with these statements?

1. Repairing a dented fender is more important than fixing a broken arm. (Yes; no.)

2. People should not try to educate themselves for a better job, but should be content with their present job. (Yes; no.)

3. The boy working his way through college is less deserving than the football star on an athletic scholarship. (Yes; no.)

4. People should be penalized for continuing to work beyond age 65. (Yes; no.)

5. People should be encouraged to go into debt rather than to live within their means. (Yes; no.)

6. Places of learning are less important than places of worship. (Yes; no.)

7. Machines are more important than people. (Yes; no.)

8. The inventor of, say, a new pretzel bender is more important than the writer of a new book, play, poem, song, or symphony. (Yes; no.)

9. A blind person deserves financial help, but a paralytic does not. (Yes; no.)

10. People who work for a living are less deserving than those who don't. (Yes; no.)

11. The work of money is entitled to a greater reward than the work of people. (Yes; no.)

If you disagree with eight or more of the above statements, it is not time to see your doctor—but it may well be time to see your Congressman or Senator and ask him a few questions about our tax laws.

Why? Because every one of the above statements is contained in those laws. Of course, you won't find them stated in just the way they are in the attitude test; nor, in most cases, did the writers of the tax laws intend to make such value judgments when they framed the tax code. The fact is, though, that no tax law can be free of such judgments, and when, some weeks hence, the members of the Senate Finance Committee begin writing amendments to the pending tax bill and to the tax code itself, they will doubtless insinuate some new moral precepts into the statute, just as their predecessors did before them.

As the attitude test shows, many of the value judgments in the tax laws do not coincide with what a preponderance of Americans believe.

Most people are probably unaware they exist. Even now, for example, you may be highly dubious that the tax laws really do draw the conclusions on which the attitude test was based. Where, for example, does it say that repairing a fender is more important than fixing a broken arm? Well, section 165(c)(3) of the Internal Revenue Code provides that all so-called casualty losses—even the most minor ones, such as dented fenders—are tax deductible, whereas section 213(a)(1)(B) states that, for those under 65, medical expenses that come to less than 3 percent of income are not deductible. (The House version of the pending tax bill allows casualty deductions only for items in excess of the first $100; but these days, even a fender may well cost more than $100 to fix.)

Americans schooled to revere the virtues extolled by Horatio Alger will surely be shocked to learn that the tax laws discourage initiative, self-advancement and the quest for knowledge. Yet consider the case of Nora Payne Hill, a Danville, Va., schoolteacher very much in the Horatio Alger tradition. Although Miss Hill could have fulfilled her State teaching requirements right in Danville, she chose to journey to New York to attend Columbia University summer school, in the belief that "she could do a better job in Danville by so doing."

The Tax Court sternly disallowed the deduction of her $239.50 of summer school expenses, applying the accepted rule of law that educational expenses incurred in the pursuit of a higher position are not deductible. The expenses of standing still, yes—those are deductible—but not those devoted to moving ahead in life. "However commendable (Miss Hill's) conduct may have been," the Tax Court found, her journey to the fount of knowledge was not necessary to maintain her present position. Besides, the court observed, "she said she loved to go to summer school."

Happily, a higher court reversed the Tax Court as "unreal and hypercritical" and allowed Miss Hill her $239.50 deduction—but only because it exonerated her of the sin of trying to elevate herself to a higher station. Had the appeals court suspected her of such a sinister motive, it would have upheld the Tax Court, for the rule against self-advancement must be maintained. (The rule is defended on practical grounds: Unless some line is drawn to define what educational costs are "ordinary and necessary" business expenses, it is argued, all educational outlays would have to become tax deductible, and the drain on the treasury would be formidable.) A group of research chemists, similarly, was not allowed to deduct the costs of attending law school in order to become patent chemists; and a psychiatrist was denied a deduction for the expenses of his own psychoanalysis—a prerequisite to his advancement to the status of a qualified analyst.

Now that being born in a log cabin has gone out of style, a modern equivalent for the aspiring politician is the claim of having worked his way through college—preferably by waiting on tables. While such industriousness thus appears to enjoy great public approbation, the law takes a more critical view. It taxes the hard-earned income of the college waiter, but leaves untouched the athletic "scholarship" which enthusiastic alumni bestow upon the football hero (and which the law treats as a gift).

In order to ease what are commonly called the "twilight years," Congress has compassionately conferred on those over 65 a tax credit on the first $1,200 of their income from pensions, dividends or other investment income. But the elderly are encouraged to suppress any desire to supplement that income and to keep busy, for the moment they earn more than $1,200 a year, the tax credit begins to fade away. When their earnings reach $2,400 it vanishes entirely.

Their unearned income, however, can rise to any height without penalty. So long as all remunerative work is meticulously avoided, the tax credit retains its full glory. Once they have safely reached the age of 72, though, they may once again join the ranks of the gainfully employed without adverse tax consequences.

"Poor Richard's Almanack" and similar fountainheads of wisdom are replete with admonitions about the evils of borrowing and the virtues of living within one's means ("He that goes a-Borrowing goes a-Sorrowing. * * * The Borrower is a Slave to the Lender").

Benjamin Franklin would doubtless be horrified, therefore, by the manner in which the tax laws make the Government of the United States an active partner in encouraging people to stray from the balanced family budget. For, after all, since interest payments are tax-deductible, Uncle Sam bears a part of the cost and makes borrowing less expensive. Modern-day economists, to be sure, might well applaud the ample use of credit; but Poor Richard would never condone such erosion of fiscal virtue.

Wherein do the tax laws either state or imply that institutions of learning are inferior in importance to institutions of worship? Section 511(a)(2)(A) states that if a college or any other charitable organization owns an "unrelated business," such as a macaroni factory, the profits of such a business are subject to regular taxes.

However, if the same macaroni factory is owned by "a church, a convention or association of churches," the macaroni profits are immune from taxation. "The exemption conferred for our spiritual needs," observes Louis Eisenstein, tax attorney, "also embraces the worldly pursuit of profit."

Judging from the tax law, the inventors in our midst are clearly to be revered over our authors and composers, for while section 1235 specifically confers a tax blessing upon the fruits of the inventor's imagination, section 1231(b)(1)(C) just as specifically denies that tax favor (the special 25-percent capital-gain rate) to authors, composers, and artists.

In the eyes of the tax law, it appears, any invention—even the aforementioned pretzel bender—contributes more to the well-being of society than, say, a Faulkner or Hemingway novel, a Robert Frost poem, an Aaron Copland symphony—or, perhaps a Rodgers and Hammerstein Broadway musical.

As to the preference shown the blind, the story is simple: Congress has sympathetically conferred an extra $600 exemption upon those to whom sight is denied—but this expression of compassion for the handicapped mysteriously began and ended there.

And who, reading the tax laws, can doubt that machines are more important than people? After all, when a businessman invests in a machine, he is entitled to take tax deductions on the cost of that machine over its useful life. But the tax laws give him no comparable merit points for investing in his son (by sending him to college).

Moreover, the tax laws are most understanding about the aging of machines. A year-by-year allowance is made as machines lose their zip and zest and approach the age of retirement. But leaving aside the minor concessions made at age 65, the tax laws sternly forbid any recognition of the gradual aging of human beings—except, perhaps, in one instance.

The initial purchase price of professional baseball and football players, bought and sold precisely like indentured slaves, may be "depreciable." But do not rejoice for the players, for they derive no benefit. Only the purchaser of the ball club is thus blessed.

Any youngster reading the biographies of the titans of America's past (the Franklins, Jeffersons and Lincolns, the Lewis-and-Clarks, the Andrew Carnegies and the Henry Fords), cannot escape the deeply held American precept that it was heroic personal effort—hard work—that made these men and their country great. "Poor Richard's Almanack" confirms this wisdom ("Diligence is the Mother of good luck. * * * Idleness is the greatest prodigality").

Yet in many respects, the tax law seems to frown upon those who work for their living—or, at least, to smile warmly upon those who don't. Some of these respects have already been mentioned: the comparative penalty, for example, suffered by those who work beyond the age of 65, or who wait on table to get a college education. Wives, moreover, may be said to be discouraged from working since this reduces the tax advantages their husbands derive from matrimony.

But these are peripheral disadvantages compared with the dramatic preference accorded unearned income over earned income. Those blessed with large holdings of corporate stock, for example, derive their dividends income through the managerial efforts and talents of others but are nevertheless favored with the "dividend credit," a tax concession denied those whose income is wholly earned. Others may, without lifting a finger, inherit great wealth generated by the efforts of their forebears and pay not a penny of tax when they receive it.

But by far the greatest advantage enjoyed by unearned income is the special capital-gains tax rate, which openly proclaims that the work of money is entitled to a greater reward than the work of people. Lawyers (and other high-paid professionals, such as doctors or engineers), it is said, live well, but die poor. Why? Because they perform the work of people, and for their efforts they are taxed at the regular income-tax rates, ranging up to 91 percent. Others, on the other hand, who have the means to put their money to work, are favored with a tax rate that rises no higher than 25 percent.

This is not to depreciate the value of capital, an essential ingredient in society. But capital without human effort counts for little—indeed, it is the addition of human effort and ingenuity that brings capital to life.

In times past, the American tax laws have sought to favor this human factor through a preferential "earned-income credit." But human effort requires no such preferential recognition. What is wrong with simple equality, which can be effortlessly achieved by taxing the work of money and the work of people according to the same rates—including, of course, an averaging device for smoothing out "bunched" income of various sorts?

These and many other value judgments are scattered throughout the tax law—although few are as overtly stated as section 152(b)(5), which expresses a deeply ingrained American attitude toward mistresses (it denies their benefactors the right to claim them as dependents). Most of them are subtly buried in the inscrutable legal verbiage of the Internal Revenue Code. But as the Duchess said, "Everything's got a moral—if only you can find it."

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED—HOUSE AMENDMENT

The Senate resumed the consideration of the amendment of the House of Representatives to Senate bill 1703 to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a vote on the Ellender motion, now pending, at 1 o'clock tomorrow afternoon, with the following proviso: That there be a morning hour until 12:30 p.m.; and that the half hour between 12:30 p.m. and 1 p.m. be equally divided between the senior Senator from Louisiana [Mr. ELLENDER] and the junior Senator from Minnesota [Mr. MCCARTHY], or Senators whom they may designate, each side to have 15 minutes, with the vote to take place at 1 o'clock.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection?

The Chair hears none, and it is so ordered.

The unanimous-consent agreement, reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to vote at 1 p.m. on Wednesday, December 4, 1963, on the motion of the Senator from Louisiana, [Mr. ELLENDER], to concur in the House amendment to S. 1703, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes: *Provided,* That the time from 12 noon until 12:30 be used for the transaction of routine morning business, and that the time from 12:30 until 1 p.m. be equally divided and controlled by the Senator from Louisiana [Mr. ELLENDER] and the Senator from Minnesota [Mr. MCCARTHY] respectively.

AMENDMENT OF THE MERCHANT MARINE ACT, 1936, AS AMENDED

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar 643, S. 1698.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 1698) to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proviso at the end of section 511(h) of the Merchant Marine Act, 1936, as amended, is amended to read as follows: "*Provided,* That until January 1, 1964, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than December 31, 1964."

SEC. 2. The amendment made by the first section of this Act shall take effect December 31, 1963, or on the date of enactment of this Act, whichever date first occurs.

ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, may I ask the Senator from Montana what measures he will ask to have laid before the Senate following the yea-and-nay on the Ellender motion tomorrow?

Mr. MANSFIELD. The pending business is S. 1111, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, and for other purposes.

It is hoped that following the disposition of that bill, in which the Senators from Colorado [Mr. ALLOTT and Mr. DOMINICK] have an interest, it will be possible to have the Senate consider Calendar 462, H.R. 82, to amend the Merchant Marine Act, 1936, in order to provide for the reimbursement of certain vessel construction expenses; Calendar 502, S. 927, to amend title 12 of the Merchant Marine Act, 1936, in order to remove certain limitations with respect to war risk insurance issued under the provisions of such title; and such other measures as may be ready for consideration.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED—HOUSE AMENDMENT

The Senate resumed the consideration of the amendment of the House of Representatives to Senate bill 1703, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. DOMINICK. Mr. President, it seems to me that the opponents of the motion of the distinguished Senator from Louisiana [Mr. ELLENDER] have based their argument largely on two phases: First, that if the bracero program did not exist, it would be possible to fill the requirements of agricultural labor with domestic labor.

Their second position is that whether that be true or not, the elimination of the program would automatically benefit domestic agricultural labor, and therefore be god so far as the country as a whole is concerned.

It does not seem to me, upon analysis, that this point will stand up. Public Law 78, which is what we are dealing with, contains specific requirements. Such requirements must be certified by the Secretary of Labor prior to the time that any braceros can be recruited under contract. In order to make this point crystal clear, I shall read these provisions into the RECORD:

No workers recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed; (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Simply stated, these three provisions require certification by the Secretary of Labor, before any bracero program can be made effective in any particular area of the country, that there are not enough domestic agricultural workers available for jobs in an area. In order to preclude a contention that workers were not available when, in fact, they had not been offered sufficient wages, a second finding is made necessary; namely, that the braceros who may be brought into the area will not adversely affect wages and working conditions of domestic agricultural workers similarly employed. In other words, there cannot be competition from braceros which will adversely affect domestic labor.

The third requirement is proof that one has made a reasonable effort to recruit domestic agricultural workers before braceros may be imported into an area at all.

When those three requirements have been fulfilled, then, and only then, is anyone entitled to have bracero labor brought into a particular area where there is a labor shortage.

I have before me a letter from the Grower-Shipper Vegetable Association of Central California, commenting on the need for the bracero program. In my opinion, it is an exceptionally good letter. I should like to read excerpts from it into the RECORD, because the points made bear upon what I was discussing; namely, the argument that there really is no need for the importation of Mexican labor, and that an adequate supply of domestic agricultural labor can be obtained if only agricultural employers try hard enough to obtain them.

The letter begins:

Vegetable and berry production in the central coastal area of California is practically a year-round operation. We commence harvesting in April and are harvesting in large quantities from the first of May until the first of December. This area ships approximately 60,000 carloads of fresh vegetables throughout the Nation. Our major vegetable crops are lettuce, celery, carrots, broccoli, onions—dry and green, tomatoes, artichokes, brussel sprouts, cauliflower, green and dry beans, sugarbeets, and strawberries. Ninety percent of the fresh vegetables and berries are shipped out of the State and are distributed throughout the country for consumption.

I think it is important to note that not one of those crops is in the surplus category. So in dealing with this bill, we are not in the process of debating a measure which would result in the importation of additional labor in order to make available additional surplus crops.

I read further from the letter:

We grow and ship from 20 to 45 percent of the Nation's supply for several of these commodities.

In other words, in this one area in central California, 20 to 45 percent of the entire country's supply is grown.

Then it is stated in the letter:

At the peak of our harvesting season, May and September, we have historically used approximately 12,000 supplemental workers. From March 20 until January 1, we use a minimum of 2,000 to 3,000.

For the last 2 years the Department of Labor would not certify for supplemental workers for the months of January and February and it has been necessary for some of our growers to reduce their acreage during the winter months. We have recruited several thousand domestic workers from the San Francisco, Sacramento and San Joaquin areas. These workers have proved quite unsatisfactory as they only worked a few hours to a few days and left.

If the growers are able to continue their historic production it will be necessary to recruit domestic agricultural workers. It is doubtful if there are available workers willing to go into agricultural production in numbers up to 12,000. Many of these people, of course, would be family people and we would be required to furnish suitable housing for families which we presently do not have to accommodate such large numbers. Because of the vagaries of agriculture, we would not be able to afford them a continuity of employment as agricultural crop production does not permit continuous employment. Were we placed in a position to have to depend on domestic agricultural workers recruited from areas throughout the country, the cost would be prohibitive in that thousands of them may mentally

think they can do the work but would not be able or care to do the work required. Obviously the welfare problem would be of staggering proportions.

Mr. President, I also have before me a letter dated July 22, 1963—it really is a series of statements—from Agricultural Commodities, Inc., of Phoenix, Ariz. This organization is a central Arizona farmers association engaged in growing and shipping fruits and vegetables which require foreign supplemental field labor.

On the same point, this organization submits some excellent material, from which I read, as follows:

There has been much said about the decrease in the number of Mexican nationals contracted during the past 3 years.

This point was brought up during the debate in an effort to show that Mexican labor is not needed, because its use has been decreasing over the years, and that therefore the smaller number needed can be replaced by domestic workers.

The statement by this group continues as follows:

This primarily is due to the increased use of cottonpicking machines. The need of Mexican stoop labor remains about the same it has been for several years and there is every indication this trend will continue for many years to come.

* * * * *

The statistics certainly prove beyond any doubt that we have fulfilled every responsibility and in many instances have gone beyond the requirements of the law.

The reference is to the Arizona State Employment Service, established by a law which requires that domestic agricultural workers coming into that group shall be placed in employment if physically possible.

I read further from the statement:

This is confirmed in statements from officials of the Arizona State Employment Service that at no time has a foreign worker taken the place of a domestic.

The attached records show that in spite of our efforts to attract, recruit, and employ domestic labor, especially stoop, the State officials over a period of years have found it necessary to certify the contracting of supplemental Mexican nationals in order to get the job done.

We have never been accused of cutting any corners or failure to provide work for all available domestic labor and it will be noted that during a congressional farm labor hearing in Phoenix in 1958 Mr. E. P. Theiss, regional director of AFL–CIO for Arizona and New Mexico, testified he was not opposed to recruitment of Mexican nationals and not opposed to the extension of Public Law 78.

This is quite an interesting statement, in view of some of the comments made on the floor of the Senate; I refer to statements that, in general, the unions are opposed to this program. Apparently the person who was most closely associated with it, insofar as Arizona and New Mexico were concerned, did not feel that way.

I read further:

It is an absolute fact based on performance and recommended by Arizona State Employment Service officials and supported by documentary evidence, attached hereto, that supplemental foreign labor is urgently needed.

Mr. President, I could cite many more examples of this sort.

I hold in my hand a letter written by Mr. James C. Hanagan, of Lamar, Colo.; his letter was addressed to the Reverend James H. Kane, of Pueblo, Colo. A copy of the letter was sent to me. In the letter, Mr. Hanagan replied to a series of editorials protesting against extension of the bracero program. One of the things he pointed out in his letter—and it is of extreme interest—is that the very nature of domestic migrant labor makes it almost impossible for those engaged in that work to have any established family life or any continuity of schooling or any ability to provide for the domestic migrant laborers the education which we are so desperately trying to give to so many people in this country. In the letter, Mr. Hanagan points out that if this program is ended, and if an effort is made to increase the number of domestic migrant laborers, and if that effort is conducted with sufficient force to bring into the program enough domestic workers to take care of all the crops, the result will be by virtue of this program itself, the creation in the United States of a whole new group of younger people who, because of the nature of this employment, will not be able to have access to the desired educational facilities. In the letter, Mr. Hanagan goes into some detail in discussing this point.

He makes one more point which I tried to make during the previous debate on this subject. The distinguished Senator from Louisiana [Mr. ELLENDER] has mentioned this point. In addition to the problems which we might have from the welfare point of view and the education point of view, as a result of developing a new group of domestic migrant laborers, we also have the question of the exploitation of the Mexicans if this program is rescinded and if Public Law 414 is allowed to remain on the statute books. On that point, Mr. Hanagan writes:

Let Congress repeal Public Law 78, and you will see the most flagrant exploitation of our American labor group since slavery days. There simply won't be nearly enough able and willing workers to perform the necessary stoop labor in the growing and harvesting of certain fruit, vegetable, and other specialized crops.

Then I suggest that you visit the Spanish-speaking settlement of some southern Texas city, San Antonio for example, next March or April; and you will see the mad rush by sugar companies, canning companies, fruit and vegetable packers, corporate farms and the like vying for the workers favor. Then you will see the Spanish speaking exploit the Spanish speaking because of their generally poor education, low standard of living, and lack of ambition; the recruiter interested only in his fee. Why should he care for the old, the sick, or the young so long as the recruiting fee is paid on each? No doubt he has contacted his Congressman asking repeal of Public Law 78, as such action would certainly put him in "tall clover."

(At this point Mr. PELL took the chair as Presiding Officer.)

Mr. DOMINICK. Mr. President, I have quoted the statement of a man who is writing with deep compassion for the migrant laborer. He feels that, until we have had an opportunity to prepare a schedule ahead of time as to how to take care of these problems, repeal of the program at this time would be one of the worst things we could do, not only in relation to the importation of Mexicans who are coming across the border, but also from the point of view of our own domestic agricultural migrant labor supply.

In that same connection, I hold in my hand a short article from the El Paso Herald Post, dated November 5, 1963, entitled "Wetback Total Soars in October." It reads:

A heavy increase in the number of illegal entrants from Mexico was reported today by the U.S. immigration border patrol.

Apprehensions during October of this year exceeded 600 in greater El Paso, twice the number usually made in October, Patrol Chief Herman Moore said.

The total does not include juveniles who are caught and shooed back across the Rio Grande.

Nearly all those apprehended are adult males seeking jobs here or trying to make their way into the interior of the United States. Seventy-five percent of the wetbacks are caught near the border within 72 hours after they cross. The others are nabbed at highway check points, on trains or buses, or at work.

Most of the illegals cross at night. Some carry small bundles of clothing.

Immigration officials said the number of wetbacks caught is the highest in 7 or 8 years. Curtailment of the bracero import program and economic conditions in Mexico are believed to have stimulated the wetback influx. A Juarez newspaper estimated that there are 35,000 unemployed "chiefs of family" in that city alone.

The point I am making is to reiterate that the reason we put the bracero program in to begin with was to try to do something to prevent the exploitation of the Mexican laborer under conditions through which Mexicans out of work would come to the border and try to slip across to try to get some kind of work in this country. All kinds of abuses occurred because of that practice. No one was responsible for any of the conditions under which they were working. If we, in effect, repeal Public Law 78, as has been suggested on the floor of the Senate, all that we shall do will be to revive the evil that we tried to stop in the first place.

So, when we hear that the bracero program is bad, in and of itself, and that we should no longer go on with it in the interests of humanity and welfare, it is not necessarily a fact.

The fact is that the bracero program has been well operated. It has been operated well. It has been of substantial value to the U.S. agricultural economy throughout the country. The program has been beneficial not only to our agricultural economy, but also it has been conducted in such a way that it has not hurt domestic agricultural labor. It has been carried on in such a way that it has been of great help to Mexicans themselves.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. DOMINICK. I am glad to yield.

Mr. WILLIAMS of New Jersey. The last statement of the Senator that the Senate amendment would not help the domestic worker shapes the issue. Is not the issue which is before the Senate whether we shall pass the House bill, which provides for a simple 1-year extension of the Public Law 78 program, or whether the Senate shall insist on

a conference with the House, in which would be considered a 1-year extension of the Public Law 78 program and the McCarthy amendment? Such procedure would help the American domestic worker by providing that, before the Mexican worker could work in a community, the American worker would have to have offered to him some of the job and personal protection that the Mexican worker is given. Is that not the issue?

Mr. DOMINICK. The issue is whether the Senate will concur with and pass the House version, which provides for a simple 1-year extension of the act without the McCarthy amendment.

The assumption of the Senator from New Jersey that the bracero program can be put into effect in any area of our country with any harm to domestic agricultural labor is erroneous. In my comments at the start of the debate I cited the three requirements that must receive certification by the Secretary of Labor before any braceros can be put into any area. I do not know whether the distinguished Senator from New Jersey is aware of the details of those requirements, but they are fairly explicit.

In general, the requirements provide that braceros cannot be employed in any area in which there is domestic agricultural labor available, that the employment of the braceros cannot adversely affect domestic agriculture workers similarly employed, and that farmers in the area have made reasonable efforts to attract domestic workers to take on those jobs and they have been unable to do so.

Mr. WILLIAMS of New Jersey. If the Senator will yield further, I should like to ask an additional question. In the Public Law 78 program and the treaty with Mexico there is most precisely written the requirement that a community which seeks Mexican national labor cannot discriminate within the community because of the national origin or, indeed, the ancestry of the worker. Is there any requirement that would provide that the community had to eliminate discrimination in public accommodations against Americans before Mexicans could be brought in?

Mr. DOMINICK. No; but I hope that we shall get some action on that question during the present Congress.

Mr. WILLIAMS of New Jersey. What I have stated is not one of the requirements under the McCarthy amendment.

Mr. DOMINICK. The Senator is correct.

Mr. WILLIAMS of New Jersey. But some of the other protections that Mexican nationals are afforded are not afforded to our own American agricultural workers.

I am not disturbed because, after the Mexican Government had hammered out job protections for Mexican nationals who come here in response to seasonal need, we have granted those protections; what bothers me is why on earth we cannot do as much for our own people—Americans, our citizens. Why cannot we do the same for them? Why should we not go to the House of Representatives and insist that we do? The Senate has adopted an amendment which would impose that requirement. It would protect our own people, though it would give them only a part of what we give to Mexican nationals.

Honestly, is there any human reason or any debater's logic that would deny Americans what we give Mexican nationals?

Mr. DOMINICK. We are talking about two wholly different subjects. The Senator has made some very good points——

Mr. WILLIAMS of New Jersey. Those are the provisions of the McCarthy amendment, which the Senate has adopted. The issue is whether we shall go to conference or take the old program of a 1-year extension that we have had for years without any protection for American workers.

(At this point Mr. METCALF took the chair as Presiding Officer.)

Mr. DOMINICK. The Senator is trying to say that we should take up labor legislation, which would come from the Committee on Labor and Public Welfare, instead of the bracero program, which comes out of the Committee on Agriculture and Forestry, tie the two concepts together, and do something about it.

Mr. WILLIAMS of New Jersey. I hope that the Senator from Colorado has supported some of the proposed legislation related to labor that has been reported out of the Committee on Labor and Public Welfare dealing with migratory farm workers. We have not had too many record votes on those issues, but I am sure that in the back row—as I, too, am in the back row—the voice of the Senator from Colorado was loud and clear for the American worker and for his family. I was glad to hear the Senator express concern about the youngsters of American migratory workers and their lack of education.

One of the bills passed by the Senate is at the other end of the Capitol. Let us work together to have it passed.

I thank the Senator for yielding.

Mr. DOMINICK. The point I was about to make related to the question of the value of this program to the Mexican economy. In the CONGRESSIONAL RECORD for June 26, page A4066 of the Appendix, is an article inserted by Representative GATHINGS, of Arkansas. It is written by David Weber. It has a dateline of Mexico City. It strikes me as being extremely good. I wish to read not all of it, but a portion of it, in the context at this point. It reads in part:

> Mexico could be in serious trouble if the United States closes its doors to "braceros," the migratory farmworkers who every year go north of the border to help bring in the crops. * * *
>
> If the bracero is legislated out of existence, they fear, Mexico's economy and possibly its political stability will suffer.
>
> Bracero dollars, about 35 million of them every year, have traditionally made up a third of Mexico's favorable balance of payments. More significant than the loss of dollars is the burden that these 200,000 workers would throw on the already strained rural unemployment in Mexico.
>
> The lack of food, work, and land—exaggerated in recent years by persistent droughts and Mexico's inexorable population growth—has turned the docile peasant into an active and angry political factor that is particularly worrying to the Government because of next year's presidential election. If the bracero is added to the huge rural unemployment lists, the situation could be explosive.

That is only a portion of the article, which continues in like strain.

These points were emphasized in the hearing on the bill. The representative from the Department of State, Mr. Sayre, explicitly said that this is one of our most important programs insofar as our aid to Mexico is concerned.

My distinguished colleague [Mr. ALLOTT], in the process of discussing the situation in Colorado, pointed out quite clearly that $1 of bracero money earned and taken back to Mexico was worth $5 of foreign aid, and this is another reason why the program should be continued.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I should like to have some help from the Senator from Colorado with respect to certain questions of fact involved in the bracero problem, because I wish to be sure I am correct in the conclusions I have previously drawn. I know of no one who is better qualified to tell me whether or not I am correct than the distinguished Senator from Colorado.

Mr. DOMINICK. If I cannot do it, I will call on my distinguished colleague.

Mr. MORSE. I am sure the Senator can.

A few minutes ago the Senator from Colorado read the terms and conditions our Government officials must apply before braceros can be hired in any community in this country. Am I correct in my understanding that the terms and conditions which must be met in any community before a bracero can be brought in guarantee full economic protection to any American domestic worker who is available for work on the farms?

Mr. DOMINICK. The Senator is correct. The Secretary first must certify that there is not adequate domestic labor available at comparable wages before the braceros can be brought in.

Mr. MORSE. That was my next point. If it is found that there is not adequate domestic labor available, employers can look into the possibilities of obtaining bracero help; is that correct?

Mr. DOMINICK. That is correct. Before they do that, once again, they must not only show that they have looked in their own local area but also that they have made reasonable efforts outside their area to bring in domestic workers, and have been unable to do so.

Mr. MORSE. Is it not true that they also must offer the same pay and working conditions to American domestic workers that they would offer to and provide for bracero workers?

Mr. DOMINICK. That is correct, with two exceptions, I believe. I do not believe it is necesary to offer housing to the domestic laborer, insofar as the entire family is concerned, if the family is being brought in. Obviously, if they are to obtain them, they must provide housing, but this is one reason why they do not like to go too far afield. They do not

know how long a person, if imported, will stay. With the braceros only coming in—the head of the families, males only—farmers do not have that particular problem.

Mr. MORSE. What basis in fact is there, then—if any—for the argument which is used against the bracero program, that it discriminates against American domestic workers?

Mr. DOMINICK. I really do not believe there is any basis for it. That is one of the points I was trying to bring out. I am glad the distinguished Senator from Oregon has brought it out.

Mr. MORSE. Has the Senator any reason to believe that a part of the opposition of organized labor in this country to the bracero program may be related to the fact that the braceros perhaps would not be considered potential members of American organized labor?

Mr. DOMINICK. I hesitate to reply in the affirmative, because I have never had that statement made to me by the head of a union. I have usually been told that the problem is that they are trying to put on a drive to unionize agricultural workers and that so long as there is a right to bring in braceros it is very difficult to do so. This is a part of the problem that must be dealt with. Whether the other statement is true or not I do not know.

Mr. MORSE. I do not believe the Senator from Colorado and the Senator from Oregon have to yield to any other Senator in our desire to protect American domestic workers, but it seems to me that those who argue that there is some discrimination against American workers because they are being denied jobs by the bracero program have a duty to submit the evidence to show that domestic workers are available. Some of us who come from areas where braceros are used know that domestic workers are not available.

Mr. DOMINICK. That is correct.

Mr. MORSE. They cannot possibly be obtained. If the program is dispensed with, it will put upon the farmers in those areas a problem with respect to losing perishable crops.

If an American labor organization could provide the domestic workers, I would certainly insist that the domestic workers be hired. But it is the duty of the Secretary of Labor to determine that domestic labor is not available before the braceros are hired in the first place. That is true, is it not?

Mr. DOMINICK. That is absolutely correct. I wholly agree with the distinguished Senator.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. TOWER. Is it not true that bracero labor is not less costly than the hiring of domestic migrant workers?

Mr. DOMINICK. It is not a bit less costly.

Mr. TOWER. The requirements are somewhat severe; are they not?

Mr. DOMINICK. They are, because of the transportation and housing that must be paid for by the employers.

Mr. TOWER. So if a farmer were able to obtain American labor, he would use it and thereby keep his costs down; would he not?

Mr. DOMINCK. I believe so. Most farmers have been scrambling to obtain help of almost any kind, and they have not been able to get it.

Mr. TOWER. I did not hear the earlier remarks of the Senator, in which I understand he touched on the effect of the bracero program on American-Mexican relations. Is the Senator aware that the bracero program accounts for Mexico's second biggest source of dollar earnings?

Mr. DOMINICK. I had the pleasure of listening to the distinguished Senator from Texas point out this fact very clearly in our previous debate. I think it is extremely important to emphasize that fact.

Mr. TOWER. Is it not true that the United States has a favorable balance of trade with Mexico?

Mr. DOMINICK. It is.

Mr. TOWER. So this program actually contributes to the trade intercourse between Mexico and the United States, and we are the indirect beneficiaries, in that the Mexicans buy more from us.

Mr. DOMINICK. That is a very good point.

Mr. TOWER. I wonder if the Senator is aware of the opinion of Mexican ambassadorial and consular officials with reference to the bracero program?

Mr. DOMINICK. I cannot say that I am, other than the statement of the Assistant Secretary, Mr. Sayre, in which he explained that this was an extremely important program to Mexico.

Mr. TOWER. If the Senator will indulge me, I ask unanimous consent to have printed at this point in the RECORD a statement from the Embassy of Mexico, contained in the report of the committee, to the effect that the bracero program has worked very well, and that there is no doubt that the program has been a firm foundation for good relations between the people of the two countries.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EMBASSY OF MEXICO

The Ambassador of Mexico presents his compliments to His Excellency the Secretary of State and has the honor to inform him of the position of the Government of Mexico with respect to the decision taken by the House of Representatives of the Congress of the United States on May 29 last, rejecting the bill that would have authorized the executive branch of the United States to extend the international migrant labor agreement that expires on December 31 of this year.

The Government of Mexico considers that there would be no call for any observation whatever concerning the aforesaid action, had the need for Mexican labor that has existed for a number of years among the farmers in various parts of the United States disappeared, or if systems other than those used so far were available to meet that need. It is not to be expected that the termination of an international agreement governing and regulating the rendering of service by Mexican workers in the United States will put an end to that type of seasonal migration. The aforesaid agreement is not the cause of that migration; it is the effect or result of the migratory phenomenon. Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.

The Governments of Mexico and the United States have for many years been faced with the problem of the illegal entry of Mexican workers into U.S. territory in search of work. The maximum number of arrests made by the Immigration Service of the United States reached 803,618 in 1953, a year in which only 201,380 workers were contracted. Since that time the efforts of the two Governments to eliminate illegal entries, at the same time leaving the door open under the legal procedures of the international migrant labor agreement of 1951, produced the desired results, the number of arrests having been reduced to 31,106 in 1959, during which year 437,643 workers were contracted.

Despite the fact that in 1960 the number of contracted workers began to decrease markedly, the number of illegal workers did not increase, the conclusion being that the Mexican workers have understood and accepted the fact that if they cannot obtain not obtain it either by entering the United States illegally. Here are some pertinent data:

Year	Contracts signed	Deportation
1960	315,846	28,492
1961	291,420	31,350
1962	194,978	12,283

In the last 3 years there has been a considerable increase in the number of Mexican farmworkers who have applied for and obtained residence visas to come to the United States, through letters issued by farmers and growers in the United States who have offered them employment. It is estimated that no less than 32,000 farmworkers obtained their documents in 1961 and possibly some 40,000 in 1962. The statistics on the contracting during the last 5 years show that there were barely 50,000 jobs for the workers during the 12 months of the year, open at various times during the year and in various States, so that in order to be able to work without interruption during the entire year, it would be necessary for the workers to move from one place to another. Since it is impossible to achieve precision and coordination even with the means available to the two Governments, it is concluded that the aforesaid increased number of resident farmworkers do not have permanent work but in fact continue in their status as seasonal workers, working for an employer for 6 or 8 weeks and then returning to Mexico in the hope of being called upon to work for another short period—an operation that is repeated two or three times a year. As may easily be seen, this situation will create problems for both Mexico and the United States, since during the jobless seasons the worker with a residence visa will burden the economy on one of the two countries, with the same consequences of accepting ill-paid work, obtaining official assistance, etc.

There is good reason to believe that the absence of an international agreement governing temporary employment of farmworkers will lead to an increase in the types of migration pointed out above.

Finally, it should be considered that on various occasions when at international meetings on migrant worker problems representatives of the Government of the United States have indicated their purpose of decreasing the contracting until the elimination point is reached, the Mexican representatives have requested that an attempt

be made to make the decrease gradually, in order to give Mexico an opportunity to reabsorb the workers who have habitually been working in the United States and thus to stave off the sudden crisis that would come from all increase in national unemployment. The stoppage of the contracts at the start of 1964 would leave approximately 200,000 persons out of work.

It is not considered that the contracting of Mexican workers under the international agreement has produced unfavorable effects on American workers. Quite the contrary. The benefits granted the contracted braceros, in the matter of insurance covering occupational accidents and illness, the extremely careful regulations on lodgings and transportation, and the constant inspection of food have provided a pattern that can be followed for domestic workers who lack such protection. And with regard to the wage increase obtained for Mexican workers on various occasions, chiefly in the year 1962, what was obtained through the effort of the Mexican Government and the cooperation of the Department of Labor of the United States, to such an extent that in some localities the wages are higher than those paid to domestic workers, represents the reason why this type of work is now looked upon as acceptable by the American workers.

It was precisely the presence of the "wetbacks" in the fields of the United States that created a situation undesirable from every standpoint, since those persons have not even the most elementary kind of protection and were the victims of expioitation in respect of wages, because they were forced to accept whatever pay was offered to them, and domestic workers were unable to compete and found themseives compeiled to move to other areas. The iack of an agreement to faciiitate contracting as long as there is a shortage of farm labor, which the Mexican workers have been covering, would tend to bring about a return to that situation. And although Mexico would make efforts to prevent it, as was indicated by the Secretary of Foreign Affairs of Mexico at a press conference on June 5, the willingness of American employers to give work to the wetbacks explains why in many cases the Mexican workers violate the law of the United States, and it is very important for the Government of this country to solve this problem.

The virtual extinction of discrimination against and segregation of persons of Mexican nationality in areas of the United States where such practices once existed can decisiveiy be attributed to the contracting of Mexican workers under international agreements. The need for labor which only the Mexican could supply but which was not authorized for iocaiities where special schools were maintained for Mexicans, or where they were segregated in restaurants, theaters, etc., and discriminated against in respect of wages, etc., led the authorities concerned to put an end to that situation.

There is no doubt that this has been a firm foundation for the good relations between the peopies of the two countries.

In this connection, it is appropriate to note that in September 1954, the President of Mexico stated in his annual message to the Congress that efforts were being made to soive the difficuit probiem caused by the exodus of Mexican farmworkers, "acting in fuli and friendly cooperation with the Government of the United States in this task, in order that those who go to work may do so under the protection of existing agreements." And if indeed the contracting shouid come to an end, it is hoped, as the Secretary of Foreign Affairs said during the press conference mentioned above, that the two Governments will act vigorously and determinedly to prevent the illegal traffic of workers, which benefits neither Mexico nor the United States and is a constant point of discussion between the two Governments and the communities where the braceros who enter iiiegaiiy work.

(Initiaied.)

WASHINGTON, D.C., *June 21, 1963.*

Mr. DOMINICK. Mr. President, I thank the Senator from Texas. These are extremely important points, and ones that should be emphasized. Heaven knows, we spent enough time on the foreign aid bill. If we have a program which is so much more effective, at one-fifth the cost, for that reason alone it should be adopted.

Mr. TOWER. The State Department has always recognized the fact that the bracero program has made an important contribution to good Mexican-American relations. In a Federal district court suit brought by the American Federation of Labor, seeking to force the Federal Government to ban laborers living in Mexico from crossing the border to labor in Texas, the State Department notified the court that a ruling against the Federal Govcrnment might have adverse effects on international relations. So it is apparent that the State Department is concerned with this program and recognizes that bracero labor promotes good relations between the United States and Mexico.

Mr. DOMINCK. I share the view of the Senator from Texas. I apprcciate his support.

Mr. President, I yield the floor.

Mr. ALLOTT. Mr. President, I was very happy to hear the remarks of my distinguished colleague from Colorado. I join him in support of the motion of the distinguished Senator from Louisiana, chairman of the Agriculture and Forestry Committee, that the Senate concur in the House-passed version of the so-called bracero bill.

The hour is growing late. I believe that all of the statistical data—if not all, a great deal of it—has been inserted in the RECORD, both this afternoon and in the previous hearings and debate in the Senate. Therefore, I intend to confine my remarks, which will be reasonably brief, to what I consider to be the chief issues in the Senate and to try to explain them in a cold, logical, and, I hope, humane way, for the benefit of the Senate and of the country.

I am shocked to find there are so many people in this country who have picked up the slogan of "slave labor," or something like that, and who have marched up and down the street, almost literally waiving this banner, without an investigation into the facts.

I had occasion to read the hearings in the House at some length before the measure was taken up in the Senate earlier this year. I was astounded at the number of witnesses testifying in the House committee against the bill who stated, in effect, "We have had reported to us this or that."

I wish to make it plain that what I am discussing on the floor of the Senate this evening is what the Senator from Colorado knows of his own knowledge. I speak about this problem not from an academic standpoint, not from reading a series of reports. I discuss it not on the basis of listening to somebody who has read somebody else's report, and who has become enthusiastic about some slogan or banner behind which he wants to walk up and down the street. I talk about it as a person who knows of the problem, who has lived with it 33 years of his life. Except for the time spent in the Senate, those 33 years have been spent in eastern Colorado, in a farming community. I have represented farmers, trying to help them solve their problems and working with them. From that experience I speak tonight.

First of all, let us discuss the need. There is no question that not only in my State, but in other States, such as California, Arizona, New Mexico, Texas, Utah, and Wyoming, there is an agricultural need for what has been referred to as stoop labor.

I do not like the term, but everybody knows what it means. I do not like the term because to me it is un-American in its aspects and concepts. But it designates the kind of labor a man does in the field, which is hard labor—the picking of beans and tomatoes, in which he actually stoops, and even travels on his knees along the rows to pick the vegetables, to cut lettuce at the stalk, to thin beets. These are activities that are referred to as stoop labor.

While I personally detest the term, I use it because everyone else uses it and everyone knows what we are talking about.

In the Western States, though there has been an improvement, for example, in the kind of seeds used to grow sugarbeets, which eliminates much of the thinning of sugarbeets, and we have gone this far to help eliminate the need for stoop labor, such labor is still needed to thin sugarbeets. How can a machine determine which cucumbers should be made into pickles or which ones are of the right size or of the right maturity to go into the hopper with the brine? It cannot be done. How can a machine determine when tomatoes can properly be harvested? Of course, it might be able to pick out the tomatoes which we unfortunately have to be contented with in this city, and which may be called tomatoes only because they bear a superficial resemblance to the kind we are blessed with in the West.

I see the Presiding Officer [Mr. METCALF] nodding his head. He knows what I mean. I am sure the Senator from Oregon [Mr. MORSE], who is present on the floor, also knows what I am talking about.

So the need for this kind of labor is established.

We talk about machinery. It is true that important advances have been made in machinery. Sugarbeets are now harvested completely by machinery. Yet just a few years ago it was done with a plow, and essentially by hand.

We are making further advances in the picking of other vegetables. However, the cold fact, which cannot be denied, is that a certain amount of this labor has to be obtained if the American people, the consumers, are to have these

vegetables of Arizona, Colorado, Texas, California, or wherever they may be grown, in their homes at a reasonable price, which they can afford to pay.

I do not believe that any of the opponents are advocating for a moment that we should try to deprive the American people of these products.

Therefore the program contemplates the need, and it also contemplates the machinery factor, which I do not believe will ever—and I use this term advisedly—do away completely with stoop labor, no matter how far it has gone.

The next question I wish to discuss is the question of the American market for labor. The cry has rung out several times, again and again, that this makes slave labor out of their own Spanish-Americans, as we call them—other people call them Mexicans—and that it depresses the labor market.

Of course, all of this is absolutely false. I refer first of all to the colloquy which occurred on the floor a few moments ago between the Senator from New Jersey [Mr. WILLIAMS] and my colleague from Colorado [Mr. DOMINICK], in which the Senator from New Jersey asked, "Why not provide the same things for American labor?"

What could stand out as more plausible and just? I am for it. Everyone is for it. However, there are some fundamental differences between the kind of labor that is available in the American market, when it is available, and if it is available, and the kind of labor that comes over from old Mexico.

The first great difference is that when laborers come over from old Mexico—and they go through their own Government, and the contract is essentially a contract between the two Governments—the workers come over as adult males; they do not have their families with them.

The first question that arises is, "We want to be fair. We want to give the same treatment to Americans that we give to the Mexican nationals, the braceros, who come in."

If we are to be fair, what must we do? Is it a fair and equal condition of employment for the employer to transport the local man and his wife and three or four or five or six children across the country, and pay for this transportation and for the housing for such a family? This is not a comparable condition of employment. It is not possible to provide the barrack-type of buildings that are used for braceros. We cannot provide that kind of building for an American farm family. It is not possible. They must have more room. At the least they must have the family-type accommodation, not the barrack-type accommodation.

The experience of this country has been, I am sorry to say—and I went into this in some detail—that we have not been able to utilize our American labor because, for one thing, our labor does not want to do this kind of labor. I read from page 16 of the House report on the bill, as follows:

> As noted in the tables above, most domestic workers are local people requiring neither transportation nor housing.

In my own experience, in the majority of cases that is true in Colorado.

The report continues:

> To endeavor to establish such requirements with respect to some but not all domestic workers would involve insurmountable administrative complications and embroil farmers and Department officials in constant controversies.

> It is reasonable to require a farmer to pay transportation from the border and return for a group of Mexican workers who normally complete their contract terms because they must return to Mexico if they leave the employment of the farmer. But to require farmers to pay transportation from distant points to domestic workers who may leave his employment the day after they arrive would be an unreasonable requirement.

> Any relationship between the use of braceros and displacement of American workers classified as hard core unemployed can be judged by the experience in Michigan. The Michigan Employment Security Commission, in attempting to place urban unemployed into seasonal agriculture jobs found fewer than 1 out of 20 stayed on the job long enough to have a successful work completion record.

What does this mean? Does this mean that our workers are incompetent and worthless? I do not think so. It means that people who have been accustomed to a higher type of work will not go back into the fields to do stoop labor if they can possibly help it.

The second point I wish to address myself to—and I see the distinguished senior Senator from Oregon in the Chamber—is the point that he raised when he addressed questions to my colleague from Colorado. I read the three requirements from the law, Public Law 78, as it was enacted:

> The Secretary of Labor must determine and certify that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed.

Let me interpolate something at this point. There has not been a year in my service in the Senate when I have not been besought at one time or another by farmers in Colorado who could not find domestic labor to do their work and who were having a difficult time convincing the local and State employment service and the Secretary of Labor that the workers were not available.

So the employers wait while their crops ripen in the fields, and sweat it out, hoping that they will be able to obtain workers to harvest their crops before they are overripe and destroyed.

If any of the critics of the bill think it is easy to convince the Secretary of Labor that there are not sufficient domestic workers who are able, willing, and qualified, and not available at the time and place needed, let him try—in the spring, summer, or fall—to convince the Secretary of Labor.

The second condition that must be met is:

> The Secretary of Labor must determine that employment of such workers will not adversely affect the wages and the working conditions of domestic agricultural workers similarly employed.

Next:

> That reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

We thus have three standards that must be met. Who must be satisfied? Not the farmer, not the local community, not the State, but the Secretary of Labor himself must be satisfied: First, that workers are not available; second, that the employment will not adversely affect their wages; third, that reasonable efforts have been made to attract domestic workers to the jobs.

The other side begs the question again and again, but they will not face the fact that it is the Secretary of Labor of their own administration who must make this determination; the farmer himself has no control over it.

I now move to another phase of my argument. The assertion has been made that the bracero program in the United States has contributed to a moral breakdown of the braceros themselves. I wish that some of the critics would take a short trip to Mexico. I wish they would travel through the countryside and see the people who come to the United States to do stoop labor, and see how they live at home.

I know farmers who employ braceros. I have been in the housing that is provided for them. I have seen the extra food that farmers provide for the braceros. I have seen the plentiful supply of water that is provided for them. Yes, even though it is not called for in the contract, I know of the medical facilities that are provided for braceros. The farmers provide many other benefits that any decent, ordinary American would provide. There is no class of people in the whole world who are more decent or have a greater sense of anxiety about being their brother's keeper than the farmers of this country. I am not talking about corporation farmers; I am talking about the individual family farmers whom I know and have known all my life.

Does it break down a man's morality to live in a little hut composed of twigs and thatches in the mountains or on the plains of east Mexico, but who when he comes to the United States to work can live in clean barracks and have decent food, good water, and medical care? In all probability, he gets better water in this country than he has ever drunk before in his life. Also, he is provided with showers. Probably he never heard of a shower or saw one before. Often he has to be taught to use a shower and a toilet. Do such improved conditions help to break down the morality of braceros who come to this country? Let us not be so stupid or so silly as to think so.

Considering the financial aspect of the situation, the distinguished Senator from Texas has said that the program affects the balance of trade between the United States and Mexico to the extent of some $37 million a year, although this is decreasing, as has been said before. What does this mean to the bracero who comes into the United States? Let us consider the question from his standpoint. I have already discussed the conditions under which he lives. In

Mexico, the earning power of that type of person is about $100 a year. That indicates how people of that class live in Mexico. I do not say that in disparagement. I only wish they could live as we in the United States live. But when such a man comes to the United States and works a maximum of 210 days a year, which is what the law will permit him to work in the United States, he usually takes back with him, if he works a full season, between $500 and $600. Can we, considering our own prosperity, possibly imagine what $500 or $600 means to that man's family in Mexico, when the family before that time lived on $100 a year? Their standard of living is raised.

The Ambassador from Mexico made a statement to the State Department—I do not have it before me at the moment, but there is no question about it—approving this proposal, as did the Government of Mexico.

I wish to read from the remarks of Representative TALCOTT, of California, at page A5126 of the RECORD of August 12, 1963. He was referring to an editorial that was published in the Odessa, Tex., American. The editorial concludes:

It ought also to be noteworthy that the Mexican counsul in San Francisco took occasion to disagree publicly with the Congressman who said the bracero program was degrading to Mexicans.

Mr. President, I could continue on this point for a long time. However, I think I have adequately covered it. I do not believe there is any question that from the standpoint of living, morality, and the effect on the man's own family when he returns to Mexico, the bracero is much better off when he comes to the United States. Strangely enough, considering the remarks of some of the opponents of my position that our own labor market is depressed, I do not regard that to be the situation. We still must consider the requirement that the Secretary of Labor must make the determination that the program does not depress farm labor in the United States.

For example, I notice that the minimum wage paid braceros in Colorado was 90 cents an hour. I had a hand in that 90-cent figure. The people of my State were not concerned about it. The rate originally had been fixed at $1 an hour. I visted the office of Secretary of Labor Goldberg in the spring of 1961 and said, "We do not want this amount to be reduced. The farmers of Colorado do not want it to be reduced below $1 an hour. They do not care about its being lower than $1. All we want is to have our rate equalized with that of Texas and some of the other States."

Texas still has a 70-cent rate; Colorado has a rate of 90 cents. On a piecework basis, the rate averages 90 cents an hour for a pay period which cannot be more than 2 weeks or less than 1 week.

What is the situation with respect to wages paid to domestic farmworkers in Colorado?

Based on the minimum wage provided in the Sugar Act of 1948, there is a wage of $1.05. I have just noticed a publication in the Federal Register of November 20, 1963, in which the Secretary of Agriculture has set the same wage for the coming year.

I ask unanimous consent to have printed at this point in the RECORD a statement on this particular aspect of the situation.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR ALLOTT: BRACERO

We have heard much about how braceros depress the agricultural wages. However, I think it has been adequately demonstrated that the braceros themselves are fully protected in their rights with work and wage guarantees enforced by the Secretary.

In the November 20, 1963, issue of the Federal Register on page 12282, there appears a notice to "interested parties" regarding public hearings to be held for the purpose of receiving evidence likely to be of assistance to the Secretary of Agriculture in determining fair and reasonable wage rates "for persons employed in the production, cultivation, or harvesting of sugarbeets for the 1964 crop." This authority to establish wage rates is granted the Secretary in the 1948 Sugar Act (61 Stat. 929; 7 U.S.C. 1131), and specifically contained in subparagraph (c)(1) of section 1131, of title 7, U.S.C., which provides in substance that before subsidy payments will be made to the farmer under this act all wages must have been paid to workers in full; and that they must have been at a rate not less than the rate to have been determined by the Secretary to be fair and reasonable; and that if such wages have not been paid then the Secretary may withhold an amount equal to the amount of accrued but unpaid wages from the farmer's payment and pay that amount directly to the worker. In Colorado there were 8,657 farmers in 1961 who were receiving such payments and thus subject to the provisions of the Sugar Act that I have just mentioned. I believe that this figure represents virtually all of the sugarbeet farmers in the State of Colorado, just as 39,826 producers in all States receiving payments under the Sugar Act in 1961 represents the vast majority of all the sugarbeet producers in the United States.

This is just one example of how the executive branch of the Government is not only fixing the wages of the domestic farmworker but is also guaranteeing the payment of those wages. Now we are asked to believe that the Secretary is not performing his lawful duty and is not establishing a fair and reasonable wage. I would not so indict the Secretary.

[From the Federal Register, Nov. 20, 1963]

DEPARTMENT OF AGRICULTURE,
AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE.

SUGARBEETS: 1964 CROP; WAGES AND PRICES IN STATES OTHER THAN CALIFORNIA, AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in sections (c)(1) and (c)(2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), ans as further amended by Public Law 87–535 and Public Law 87–539, and in accordance with the rules of practice and procedure applicable to wage and price proceedings (7 CFR 802.1 et seq.) notice is hereby given that public hearings will be as follows:

At Salt Lake City, Utah, on December 6, in the Bankruptcy Court Room No. 220, Federal Building, 350 South Main Street, beginning at 9:30 a.m.

At Fargo, N. Dak., on December 18, in the community room, Metropolitan Savings & Loan Association Building, 303 North 5th Street, beginning at 9:30 a.m.

At Detroit, Mich., on December 20, in the Sky Room, Pick-Fort Shelby Hotel, beginning at 9:30 a.m.

At San Antonio, Tex., on January 7, 1964, in the assembly room, Gunther Hotel, Houston at St. Mary's Street, beginning at 9:30 a.m.

At McAllen, Tex., on January 9, 1964, in the Fairway Motor Hotel, South 10th at Wichita Street, beginning at 9:30 a.m.

The purpose of these hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (c)(1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarbeets for the 1964 crop in States other than California, on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices for the 1964 crop of sugarbeets in States other than California, to be paid under purchase or toll agreements by producers who process sugar beets grown by other producers and who apply for payments under the act.

To obtain the best possible information, the Department requests that all interested parties appear at the hearings to express their views and to present appropriate data with respect to wages and prices.

The hearings after being called to order at the time and places mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearings by the presiding officers.

C. B. Freeman, D. E. McGarry, W. S. Stevenson, and C. F. Denny are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearings

Signed at Washington, D.C., on November 15, 1963.

E. A. JAENKE,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 63–12142; Filed, Nov. 19, 1963; 8:48 a.m.]

Mr. ALLOTT. Mr. President, in Colorado, the average wage of domestic workers is $1 an hour. In almost every instance, the average hourly wage for farmworkers in Colorado, without room and board, is $1.16. It can hardly be said that braceros in Colorado have depressed farm wages in that State.

I shall bring my remarks to a conclusion. My colleague [Mr. DOMINICK] spoke of a letter from Mr. James Hanagan, of Lamar, Colo. I refer again to this letter because I have known Mr. Hanagan for many years. He lives about 4 miles from my hometown, and on what is known as the old Koen Ranch. I shall read a part of his letter, because it was not solicited by me or by my colleague. It is addressed to the editor and business manager of the Southern Colorado Register, Rev. James A. Kane, who has been both vituperative toward and critical of both my colleague [Mr. DOMINICK] and me concerning this matter.

The covering note, which is handwritten, reads as follows:

OCTOBER 28, 1963.

DEAR SENATOR ALLOTT: Note the different approach to the solution of a difficult problem.

Thank you for your support of the bracero program.

Respectfully,

JIM HANAGAN.

I wish to read the concluding paragraph of his letter, which is as follows:

I sincerely urge you to work for the extension of Public Law 78 to aid our migrant farmworker and his family, forced to move from place to place as the season demands; to improve our relations with the Mexican Government, and especially with the Mexican people; to produce an abundance of food for a hungry world; and to help insure the independent operator of the family-size farm with a supply of seasonal labor. Then we can look for further improvement by working for an orderly increase in farm labor wages as conditions and profits warrant.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAMAR, COLO.,
October 28, 1963.

Rev. JAMES H. KANE,
Editor and business manager, the Southern Colorado Register, Pueblo, Colo.

DEAR FATHER KANE: I have followed with keen interest your editorials of recent weeks on the matter of the bracero program and agree wholeheartedly that no effort should be spared in the improvement of living conditions and job opportunities for the so-called migrant farm labor force. However, I am beginning to doubt, with all due respect to your sincere intentions and the intentions of your staff, the wisdom of many of your statements and proposals. Here in Colorado, and all Western States as a matter of fact, we are concerned primarily with our citizens of Mexican descent, and it was in light of this fact that I came to analyze your editorials and statements and disagree to the point where I felt it necessary to answer.

Is it a good policy to continually refer to our Spanish-speaking citizens and our migrant labor force? Such a reference to me simply sets aside a minority group as something special; and when we do this, it further jeopardizes the eventual achievement of equal rights by all of our citizens. What does the average uninformed citizen of our Western States think when he hears a group on a street corner engaged in an antimated discussion in Spanish? He is led to think that they are Mexicans or citizens of Mexican descent, that they are farm laborers or common laborers of some other sort, and that they are capable of performing only the most menial of tasks.

If I were the ambitious son of parents of Mexican descent and migrant farmworkers, I would definitely consider the continual reference to my ancestry and type of work as derogatory and a millstone around my neck. I would note that very seldom do you hear a person of English ancestry referred to as "that Englishman" or of Irish descent as "that Irishman"; but that it is commonplace to hear references to "that Mexican" or to "that Negro." Instead of feeling proud of my ancestry and my ability to speak two languages, I would feel a desire to get away from "my own" in order to advance and fulfilll my ambitions.

I often wonder what kind of education I would have gotten had my parents been migrant farmworkers. Why should I bring up such a conjecture at this point? It is because I feel certain that education, or rather the lack of education, is the real reason for our migratory farm labor problem; but we cannot blame the children of a migrant domestic laborer for their lack of interest in school, when they are forced to move on at about the time they are getting started in a different school. Then when they discover that they are a year or more behind others in their age group, it becomes increasingly difficult to hold that enthusiasm for education.

We had better be calling for an end to this nomadic way of life for family groups or doom another generation to be classed by a future annual meeting of the diocesan directors of the National Catholic Rural Life Conference as, "the poorest of the American poor, the migrant farmworkers." We had better be making it mandatory to have at least finished 12 grades of schooling and to make it possible for those duly qualified to continue with higher education. If this means adding more families and individuals to relief or welfare rolls, then it will have to be done; or we will still be butting our heads against a stone wall in 10, 20, and 30 years from now in trying to solve this perplexing problem.

Let Congress repeal Public Law 78, and you will see the most flagrant exploitation of our American labor group since slavery days. There simply won't be nearly enough able and willing workers to perform the necessary stoop labor in the growing and harvesting of certain fruit, vegetable, and other specialized crops. Then I suggest that you visit the Spanish-speaking settlement of some southern Texas city, San Antonio for example, next March or April; and you will see the mad rush by sugar companies, canning companies, fruit and vegetable packers, corporate farms, and the like vying for the workers' favor. Then you will see the Spanish speaking exploit the Spanish speaking because of their generally poor education, low standard of living, and lack of ambition; the recruiter interested only in his fee. Why should he care for the old, the sick, or the young so long as the recruiting fee is paid on each? No doubt he has contacted his Congressman asking repeal of Public Law 78, as such action would certainly put him in tall clover.

Then we must also look to the pitiful waste of certain crops should the extension of Public Law 78 be defeated, and in this regard I haven't the slightest doubt. There not only will be shortage of labor in many areas of the Nation at critical times, but there will be those not physically qualified to perform some of the more strenuous tasks in addition to those refusing to perform this work, the so-called stoop labor.

Please understand, Father, that I speak with a certain amount of experience in this field. I have been an independent farm operator for the past 12 years and have employed both domestic farm labor and Mexican braceros. Prior to this time I was employed by the American Crystal Sugar Co. as an agriculturist out of their Rocky Ford plant, from 1948 to 1951 inclusive. In this capacity much of my duty was concerned with the anticipated need, placement, movement, and utilization of the sugar beet labor force.

In the early spring of 1948 I was sent on a tour of a part of the labor recruiting areas of Texas and New Mexico to meet the company recruiters and to ascertain as nearly as possible the amount of labor that would be available for the Rocky Ford district. In Texas this area starts at about Lubbock and extends south, both east and west, with the heaviest concentration in the lower Rio Grande Valley. In Lubbock I met with a Mr. Sullivan, who was in charge of labor recruiting for the American Crystal Sugar Co. and a Minnesota canning firm, and other company representatives from Nebraska, Iowa, and Minnesota. I went as far as Eagle Pass with the group as it was intended that I would be in charge of the office there. In New Mexico I was accompanied by Mr. Dan Jaramillo, labor supervisor for the Rocky Ford district, now deceased, and we met with every recruiter; employed by the company as well as the one at El Paso, Tex.

During the Second World War, I also had experience with another minority group, as I was assigned for almost 2 years as a commissioned officer with the 1327th Engineer General Service Regiment composed of colored troops. An engineer general service regiment was the pick-and-shovel gang of the army during the war; so I had ample opportunity to note the serious handicap suffered through little or no formal education.

In a democarcy such as ours, as I understand it, every citizen is supposed to have equal opportunity to make of himself what he will in accordance with his desire and ability. I want to ask what kind of equal opportunity a migrant farmworker has when he is forced to continually move from job to job because of the seasonal demands of his work? Repeal Public Law 78, and we will doom not only another generation of migrant workers to unequal opportunities but greater numbers each year because of supplying the food requirements of a growing population.

I can think of no better way, and certainly none with so little expenditure of public funds, of presenting our American way of life to the Mexican people than through the bracero program as provided under Public Law 78. Also, I can think of no better deterrent to a communistic takeover in Mexico than through this program, and I understand that here is a real danger. I would wager, on this account, that communistic elements both in this country and in Mexico are subtly lobbying for the repeal of Public Law 78. Please, not to be taken in again as we were in Cuba. Remember the televised picture of the procession of victorious Castroites entering Havana with the statue of our Blessed Lady at its head. We wonder how many millions of Cubans and Americans too, ruefully remember that day, dawning with such a display of splendor and magnificence and then ending with dashed hope, as the crackle of rifle and machinegun fire gave notice to the world the true aim of the revolution as the mass of executions was begun.

I sincerely urge you to work for the extension of Public Law 78 to aid our migrant farmworker and his family, forced to move from place to place as the season demands; to improve our relations with the Mexican Government, and especially with the Mexican people; to produce an abundance of food for a hungry world; and to help insure the independent operator of the family-size farm with a supply of seasonal labor. Then we can look for further improvement by working for an orderly increase in farm labor wages as conditions and profits warrant.

Respectfully yours,

JAMES C. HANAGAN.

Mr. ALLOTT. Mr. President, before I conclude, I shall refer to only one further point, namely, the contention by the junior Senator from Minnesota [Mr. MCCARTHY] that his amendment should be adopted. Earlier this year when the Secretary of State, and the Secretary of Labor, Mr. Wirtz, and various others testified before the House committee on this bill, they then had under consideration a 2-year extension. I feel that I must comment on this matter, because the Senator from Minnesota has referred to it.

The bill was called up suddenly in the House, immediately after one of the longer vacations this year; and very few Members there knew about it. I think it significant that this time, when they knew the bill was coming up, it was passed by the House by a vote of 173 to 158.

The amendment suggested by the Senator from Minnesota provides for certain things which sound very good; but nowhere in the record or in the reports can one find—no matter how carefully they are examined—even one place where the Secretary of Labor has suggested a possible means by which the amendment

proposed by the Senator from Minnesota could be carried out. It could not be carried out.

I realize that probably this bill can never again come before the Senate. I, too, am practical; I know that the barrage and the campaign of slogans about this bill have been conducted in such a way that probably it would be impossible for the bill to be passed by Congress another year. I am not unrealistic in my approach to the bill; but I am sufficiently realistic to know that many Colorado farm people—not corporations—and Colorado small canneries will be affected by this proposal, and ultimately so will the consumers in Colorado, California, Texas, New Mexico, and Arizona.

Is it possible that some of those in the large population centers in the East have their own personal interest in this matter, and are seeking larger markets for their products, with almost certain knowledge that in the western States the production of many commodities will thus be reduced, with a consequent increase in price?

There is before the Senate a proposed 1-year extension, which is completely logical. I have said that I have no illusions about the future; but for this 1-year extension it is completely illogical to recommend, as the Senator from Minnesota has done, a workmen's compensation program, for example.

Even if we were considering a 2-year extension, I doubt very much that the Secretary of Labor could devise the necessary regulations and procedures which would have to be gone through in order to provide for the desired result by the end of 2 years.

However, we are considering a 1-year extension. This is a logical extension; and it is logical without the addition of the language proposed by the Senator from Minnesota, which could not possibly have any meaning during the 1-year extension, because the conditions and terms he proposes by means of his amendment could not possibly be put into effect before the latter part of the present year. Anyone familiar with governmental procedures knows that to be true.

There is also a practical difficulty with the Senator's proposal, which on its face would seem to be a very good one. For example, the workmen's compensation laws are handled by the individual States. So if the amendment of the Senator from Minnesota were to be adopted, it would be necessary to turn to the individual States for implementation of such laws.

I appeal to the Senate to concur in the amendment of the House of Representatives. I could submit for the RECORD a wealth of material, tables, and figures which support my position. However, I do not presume to judge the conditions which exist in Oregon, New York, Ohio, or Michigan, and I hope other Senators will not engage in the unjustified presumption that they can correctly judge the conditions which exist in Colorado, New Mexico, Arizona, and California, about which they know nothing.

Our farmers need this 1-year extension. What they will do after it ends, I do not know. Somehow they will either make the necessary accommodations or will go broke or will have to change to some other kind of farming. But they definitely need this 1-year extension. I do not think those who take a contrary position are less sincere than I am; but, as I have said, I speak of a subject with respect to which I have approximately 33 years of personal knowledge, because I have lived with these people and I know their problems.

Therefore, I hope the Senate will support the motion of the Senator from Louisiana that the Senate concur in the amendment of the House.

I yield the floor.

THE OREGON DUNES

Mr. MORSE. Mr. President, I ask unanimous consent that an editorial published in the Oregonian of November 25, 1963, entitled "Dunes Compromise," be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

DUNES COMPROMISE

This newspaper has been less than enthusiastic about various proposals, originating with the late Senator Richard L. Neuberger, to set aside a long section of the Oregon coast in a national seashore park.

The bulk of the area between Florence and Reedsport, on the ocean side of U.S. Highway 101, is already in public ownership—U.S. Forest Service and the State of Oregon (the beaches themselves and several parks). The sand dues to be "saved" are not threatened by private appropriation. The counties involved could zone the lands adjoining the highway to prevent roadside slums if they could get together. The State game commission adequately controls hunting and fishing on the lakes and streams, and would continue to do so under the Federal bills proposed. Public access to the lakes and beaches is assured.

Nevertheless, there is a subtantial body of public feeling that the establishment of an Oregon Dunes National Seashore not only would preserve the playground from commercial encroachment but would attract many thousands of tourists from other States. The dunes are spectacular, though not comparable to some of the scenic resources of national parks. The main result of establishing a national seashore, as we see it, would be the attraction of more visitors because of national park advertising.

If the Oregon Dunes Seashore is to be created under national park auspices (Department of Interior), the bill approved by a Senate Interior Committee appears to be a reasonable compromise, with one exception. Its provisions are closer to those advanced by Representative ROBERT DUNCAN of the Fourth District than those urged by Senator MAURINE NEUBERGER and the Interior Department. But Senator WAYNE MORSE'S demand that private properties not be condemned was bypassed when the main committee amended a subcommittee's version Friday. Condemnation power was restored, a threat to 15 residences and two commercial properties.

The 30,000 acres of the park, as approved by the Senate subcommittee and included in the Duncan bill, would extend on the west side of the coast highway from Florence to Lakeside, south of Winchester Bay. Thus the dunes area just north of Coos Bay now being tapped for water for industrial uses would not be included. An easement would permit use of Siltcoos and Tahkenitch lakes water by the International Paper Co. at Gardiner. Scenic integrity of a strip east of the highway would be protected by Federal authority in obtaining easements—a provision which may be hotly opposed. Residential property within the seashore's boundaries could be used for 25 years. But no additional building would be permitted. The attraction of the park may be expected, however, to enhance commercial service values in communities near but not within the park.

There has been a running fight on the coast about the desirability or lack of desirability of establishing a Federal seashore. But we have not detected any burning interest among the bulk of Oregon's citizens. Existing State, Federal and county authorities could do a great deal to enhance the already high recreation advantages of the dunes and lakes area. But if a national park is a better answer, the compromise bill comes as close to resolving the basic issues as the disputants may expect.

Mr. MORSE. Mr. President, the editorial states at the beginning:

This newspaper has been less than enthusiastic about various proposals, originating with the late Senator Richard L. Neuberger, to set aside a long section of the Oregon coast in a national seashore park.

The bulk of the area between Florence and Reedsport, on the oceanside of U.S. Highway 101, is already in public ownership—the U.S. Foreign Service and the State of Oregon—(the beaches themselves and several parks). The sand dunes to be saved are not threatened by private appropriation. The counties involved could zone the lands adjoining the highway to prevent roadside slums if they could get together. The State game commission adequately controls hunting and fishing on the lakes and streams, and would continue to do so under the Federal bills proposed. Public access to the lakes and beaches is assured.

The editorial continues:

If the Oregon Dunes Seashore is to be created under national park auspices (Department of Interior), the bill approved by a Senate Interior Committee appears to be a reasonable compromise, with one exception. Its provisions are closer to those advanced by Representative ROBERT DUNCAN of the Fourth District than those urged by Senator MAURINE NEUBERGER and the Interior Department. But Senator WAYNE MORSE'S demand that private properties not be condemned was bypassed when the main committee amended a subcommittee's version Friday. Condemnation power was restored, a threat to 15 residences and two commercial properties.

Later in the editorial, the Oregonian states:

There has been a running fight on the coast about the desirability or lack of desirability of establishing a Federal seashore. But we have not detected any burning interest among the bulk of Oregon's citizens.

Mr. President, I feel very bad that the Interior and Insular Affairs Committee saw fit to report this bill in the absence of a united Oregon delegation.

As the senior Senator from Oregon, I serve notice tonight that I shall oppose the bill.

I believe the Senate should think a long time before it proposes to subject a State to the establishment of a Federal park under such fact situations as exist in connection with the Oregon Dunes, and particularly when there is

not a united delegation, and when the State government also has some interest in the matter.

I have urged the majority leader to give consideration to the postponement of any consideration of the bill for some time until more negotiating can be accomplished at both the Federal and State level.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from Colorado.

Mr. ALLOTT. I thank the Senator. I understand that one of the Senator's main objections to the bill revolves around the question of condemnation and the condemnation amendment that was reinserted in the bill. I was not present when the bill was reported. I was occupied in the Appropriations Committee at the time. In view of the land grants that seem to have gone pretty wild and rampant in the past few years with relation to some of the park activities, does the Senator not think that this might be a very good point at which to resolve the policy of the Senate with respect to that subject?

Mr. MORSE. I shall do my best to help the Senate to resolve the policy at this point.

Mr. ALLOTT. I thank the Senator. The question is one of the main policy considerations that we must determine. It is one of the questions that has caused the Committee on Interior and Insular Affairs a great deal of trouble. Personally I am inclined to the point of view of the Senator from Oregon, though there are times when I think the power of eminent domain must be used.

Mr. MORSE. I do, too.

Mr. ALLOTT. We find in many places a big grab to include large chunks of land. For example, we find that approach in relation to converting Sleeping Bear into a national park. Then the Government would either use the power of eminent domain as a permanent club over the heads of those who live there, or else take away homes that the people have enjoyed for years. I believe it is time for us to take a hard look at the program. I appreciate the Senator's courtesy in yielding to me.

Mr. MORSE. I thank the Senator from Colorado. I agree with his observation.

From time to time I shall speak in some detail in regard to a good many of the legal ramifications of the bill and in regard to a good many of the questions of public policy that are raised by the bill. But tonight in my first comment on the bill, I wish to say that I have heard many Senators compare the situation in Oregon with the dunes situation in Indiana, the Cape Cod situation in New England, and some other park proposals elsewhere in the country. There is little resemblance, if any, between the Oregon situation and the situation in those other States.

The people of my State ought to have every opportunity to speak through a united delegation on this subject and not through a split delegation. I believe that the Governor of my State, as the head of the government of my State, has an official interest in the subject. I happen to be one who believes that he ought to be consulted before action is taken on the Dunes bill that was reported by the Senate Interior Committee.

From my desk on the floor of the Senate today I wish to say to the Secretary of the Interior that I am exceedingly displeased by his course of conduct in connection with this issue.

Mr. President, most of the area is publicly owned now, as the editorial in the Oregonian points out. The situation is not similar to the Indiana situation, in which, if we were going to protect the public access to the area and to the water abutting it, we would have to condemn.

I taught the law of eminent domain for a good many years as I served as professor of real property at the University of Oregon School of Law. On the basis of the facts, I am satisfied, as I shall develop in great detail from time to time on the floor of the Senate, that the proposed park does not involve the type of case in which the power of eminent domain should be approved by the Congress.

I have sent to Mr. Udall, the Secretary of the Interior, a letter asking for full details concerning property which is privately owned in every public park in this country under Federal jurisdiction and every piece of private property in other Federal lands under the jurisdiction of the Department of the Interior. I have also requested similar information of the Forest Service.

Mr. President, we can have a park in the Dunes area of Oregon without taking a square foot of private property. We could create an adequate park with public property only. In fact, it is more park than the public would ever use.

Mr. President, if we write into the bill the provision of condemnation we in effect take great property value away from present owners of property. We pull the rug out from under some of the most important aspects of land ownership. We depreciate the value of that property to the tune of large sums of money.

It is that kind of conduct on the part of the Federal Government, acting through the Secretary of the Interior, Mr. Udall, that I resent. I shall do what I can, as the senior Senator from Oregon, to protect the private property interests of my constituents involved in this controversy.

Mr. Udall has known this for 2 years. I urged him to try to work out with me an acceptable compromise, and he has never consulted with me about it since I served notice on him of my position. He knows that the only time this matter was ever discussed with me was in my office months ago, with certain members of the Oregon delegation. In that conference I served notice on Mr. Udall that I would not support a bill with the condemnation procedure in it. I also made clear to him that I would be glad to see what could be done to arrive at an acceptable compromise of this matter. He took it upon himself to ignore me and to ignore those people of the State of Oregon who share the viewpoint of their senior Senator with regard to the dunes park. I intend to do whatever I can to protect the rights of those people against the Secretary of the Interior.

That is not the only issue on which I intend to do what I can to protect certain people and interests in my State against certain policies of the Secretary of the Interior. He is going to hear more about those, week after week. They include certain electric power rights which are precious to the people of my State, of the Pacific Northwest, and of the Nation.

Mr. President, I still believe it is possible to draft a dunes bill which will be acceptable to a united Oregon delegation. I stand ready and willing to work to that end. But such a bill cannot include a condemnation procedure against private property in the area, because the requirements of the situation do not call for it, particularly when we consider the importance of private property ownership rights under our system of government.

I understand there is some support for a condemnation provision in the bill affecting the State of Oregon because in another area outside the State of Oregon there is some saloon or joint or some old gold mine property which apparently cannot be reached except by condemnation. If public necessity shows that condemnation in that instance is necessary, let us consider a bill to provide for it. If the facts support it, I will support the bill.

I do not know why we should have the idea that it is necessary to have a uniform program of condemnation; namely, that whenever a bill involves any proposal for a Federal park there must be a condemnation procedure in it. As a legislative body we ought to weigh the conflicting interests—both public and private—and then relate the power of eminent domain to particular facts in specific cases.

I am very unhappy about the bill which has come from the Committee on Interior and Insular Affairs. It has raised a controversy which need not have been raised, and which has many ramifications which I believe will be unfortunate.

I intend to continue to pursue my obligation of keeping faith with commitments I have made in my State for years; that I have made up and down the coast of the State of Oregon in the areas affected by the bill. I have told group after group that I would do what I could to protect their interests against condemnation. I intend to do so.

Mr. MORSE subsequently said: Mr. President, I ask unanimous consent that at the close of my remarks on the dunes bill there be printed an amendment to the bill which I now send to the desk and ask to have printed.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment submitted by Mr. MORSE to Senate bill 1137 is as follows:

On page 2, line 7, insert "(a)" immediately after "SEC. 2.".

On page 2, line 14, beginning with "purchase", strike out all through "Secretary" on line 3, page 3, and insert in lieu thereof the following: "donation, or purchase with donated or appropriated funds, such lands,

Dec. 4, 1963

SENATE

7. FARM LABOR. By a vote of 50 to 36, agreed to a motion by Sen. Ellender to concur in the House amendment to S. 1703, extending the Mexican farm labor program for one year without change. This bill will now be sent to the President. pp. 22103-9

8. WATER RESOURCES. Passed with amendments S. 1111, the proposed Water Resources Planning Act to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resources council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning (pp. 22119-36). Agreed to an amendment by Sen. Allott to provide that river basin commissions authorized by the bill shall be for areas (rather than regions)(p. 22129). Agreed to an amendment by Sen. Allott to provide that river basin commissions shall terminate upon the agreement of not less than one-half of a majority of the States commission (p. 22129). Agreed to an amendment by Sen. Allott authorizing appropriations of not to exceed $7,500,000 for the next three fiscal years (p. 22130). Agreed to an amendment by Sen. Allott to provide that subbasins shall be treated as separate basins (p. 22130).

9. GUAM. The Agriculture and Forestry Committee reported without amendment S. 692, to authorize the Secretary of Agriculture to establish and maintain an agricultural program in Guam as determined by him will promote the welfare of the island (S. Rept. 678). p. 22076

10. FORESTRY. The Agriculture and Forestry Committee reported without amendment S. 2218, to authorize the transfer of certain national forest lands in Cocke County, Tenn., to Interior for purposes of the Foothills Parkway (S. Rept. 679). p. 22076

11. PUERTO RICO. The Interior and Insular Affairs Committee reported with amendment H. R. 5945, to establish a procedure for the prompt settlement, in a democratic manner, of the political status of Puerto Rico (S. Rept. 681) p. 22076

12. NATIONAL FARMERS WEEK. The Judiciary Committee reported without amendment S. J. Res. 128, to provide for the establishment of an annual National Farmers Week (S. Rept. 683). p. 22076

13. COPYRIGHTS. The Judiciary Committee reported without amendment S. 776, to encourage the creation of original ornamental designs of useful articles by protecting the authors for a limited time against unauthorized copying (S. Rept. 686). p. 22077

14. APPROPRIATIONS. The "Daily Digest" states that a subcommittee of the Appropriations Committee approved for full committee consideration the civil functions section of H. R. 9140, the public works appropriation bill for 1964, and that the full committee will consider this bill and H. R. 7063, the State, Justice, Commerce, Judiciary, and related agencies appropriation bill, on Thurs. p. D954

15. COTTON. Sen. Humphrey expressed his opposition to the cotton bill as passed by the House and urged favorable consideration of the Talmadge-Humphrey cotton bill. Also, he stated that it "is time for us to take a good look at all of

of this agricultural legislation," and that he would "submit to the Senate a proposal for a blue ribbon commission to examine the entire agricultural policy of the United States." pp. 22150-3

16. WATERSHEDS. The Agriculture and Forestry Committee approved the following watershed projects: Dry Creek and Fishing Creek, Ga.; Little Cache Creek, Ill.; Bachelor Run, Ind.; Grant-Shanghai Creeks, Kans.; Clam River, Mass.; Crane Creek, Minn.; Briar Creek, Pa.; and Glen Hills, Wis. p. D954

17. HAWAII. Passed without amendment S. 2275, to revise the procedures established by the Hawaii Statehood Act for the conveyance of certain lands to Hawaii. pp. 22091-2

18. PERSONNEL. Sen. Yarborough announced that hearings would be held Nov. 12 on proposed legislation to consolidate the civil service laws relating to the employment of civilians in more than one position. p. 22082

19. SCIENCE. Sen. Keating inserted an address by David Sarnoff, "The Impact of Science Upon Society." pp. 22087-9

20. EDUCATION. Sen. Pearson expressed concern over the effects of the delay in passage of legislation to extend Federal aid to schools in federally impacted areas. pp. 22089-90

21. TRANSPORTATION. Sen. Douglas stated that "substantial disparities exist between outbound and inbound ocean freight rates" which tend "to act as a barrier to American exports," and inserted several items discussing the situation. pp. 22116-9

22. FOREIGN AID. Sen. Miller inserted an editorial commending the work of Self Help, Inc., a private organization, in providing aid, including agricultural equipment, to friendly nations. pp. 22137-8

ITEMS IN APPENDIX

23. BUDGET. Extension of remarks of Rep. Jensen stating that he "will work constantly and I hope effectively for a balanced budget for fiscal year 1965 and for every year thereafter." p. A7391

Extension of remarks of Rep. Derwinski stating that "there are immediate practical doubts that the public raises "concerning the announced policy of control of Federal spending. p. A7392

24. WATER POLLUTION. Extension of remarks of Rep. O'Hara inserting Rep. Monagan's speech on the problems of water pollution control and abatement. pp. A7400-1

25. TAXATION. Extension of remarks of Rep. Jennings inserting the full text of an opinion poll which indicates the public favors the proposed tax cut bill. p. A7403

BILLS INTRODUCED

26. WHEAT. S. 2357 by Sen. Young, and H. R. 9344, by Rep. Andrews, N.D., to provide for a voluntary wheat domestic parity program; to Agriculture and Forestry Committee. Remarks of Sen. Young, pp. 22077-80

going abroad. The Johnson visit was said to be an indirect result of this.

In general, besides trying "to enhance, if possible, the already excellent" Finnish-American relations, Mr. Rowan wants to be "aware, and make Washington aware, of any way in which the United States can act to assist the Finns in achieving their fundamental goal" of maintaining their independence.

"This," he said, "may mean doing nothing."

But for a man with a record of vigorous action "doing nothing" appears unlikely.

HYPOCRISY AND ANTI-SEMITISM—ACTIVITIES OF ARON VERGELIS

Mr. KEATING. I believe the American people should be alterted to the activities under the cultural exchange program of Aron Vergelis.

Mr. President, among the cultural exchange visitors from the Soviet Union who have been touring the United States was a man sent obviously for the purpose of denying and obscuring the extent of anti-Semitic activities within the Soviet Union. Aron Vergelis, editor of a Yiddish publication in the Soviet Union, has tried to present himself in the United States as a spokesman for the Jewish people in the Soviet Union. Yet it is evident that his purpose is not to give Americans the full truth, not to explain the new trend of persecution and discrimination which fall to the lot of the Jewish people within the Soviet Union, and above all not to serve as a genuine link between the Jews in the Soviet Union and their coreligionists in the free world.

In one statement after another, Mr. Vergelis has tried to deny the obvious facts of discrimination, the closing of synagogues in the Soviet Union, the denial of a Yiddish language press or a cultural rights comparable to those of nationality groups within the Soviet Union. Vergelis has even insisted that "a Jewish problem does not exist in the Soviet Union" and that those who discuss it are only trying to interfere and block peaceful relations between the United States and the Soviet Union.

Mr. President, I wish that the words of Mr. Vergelis were true and that the rights of Jews and other religious groups in the Soviet Union did receive the respect which is their due. It is, however, only too well documented that Jewish persons in the Soviet Union are being made scapegoats for economic failure of all kinds. Because of a sympathetic and often sentimental tie with the State of Israel, Soviet Jews are often considered disloyal citizens. They dare not give the true story of the discriminations they meet. But it is clear to those who have looked at the mounting evidence that the religious and cultural rights of the Jewish minority in the Soviet Union are gravely threatened. In their continuing battle against all religion, the Soviet Communists have recently exerted special pressures against members of the Jewish faith and have denied to them the human rights which we in the United States regard as basic principles of government and ethics.

Mr. President, the American people are not deceived by the words of Aron Vergelis. Neither are we seeking to increase tensions between the two countries merely because as citizens of a free nation we see and recognize the facts. But certainly it would be a useful step in the easing of tensions and in the recognition of mutual interests if the Soviet Union would move to correct the injustices that are so clearly evident to the entire world and to insure for all its citizens the rights which it so proudly boasts of before other countries. That would be a step forward, a step that would be welcomed by all free peoples throughout the world.

Mr. President, I ask unanimous consent to include, following my remarks, in the RECORD the text of an article and editorial which appeared in the Jewish press on this subject.

There being no objection, the editorial and article were ordered to be printed in the RECORD, as follows:

[From the Jewish Press, Nov. 29, 1963]

ARON VERGELIS

Aron Vergelis has come to America. Who, you will ask, is Aron Vergelis? If you were to ask the gentleman himself he would modestly say that he is merely a Russian writer here, together with 15 other such worthies, on a 3-week tour of these United States. The man's modesty, however, does not tell the entire picture.

For Aron Vergelis is a famous man these days, a celebrity at least. Because of Aron Vergelis 18 top Jewish leaders met in hasty conclave feverishly to discuss what to do about him. Because of Aron Vergelis, the International Airport at New York was filled with reporters waiting for the Soviet jet that brought him here to land.

But, you impatiently ask, why? Who is this Aron Vergelis? It is a simple question but one which, unfortunately, does not have a simple answer. We could say that Vergelis is a writer, a Soviet journalist, the editor of the only Yiddish magazine in Russia today. It would hardly be the whole story.

We would have to say that Aron Vergelis is a "moser" (an informer) who has been sent here by the Soviet Government to brand all the stories about Soviet Jewish persecution as a "fistful of lies invented by the capitalist ruling circles as part of their cold war strategy." We would have to say that he is sent here to confuse the issues in the minds of the Jewish peoples. We would have to quote you from one or two of his remarks upon arriving.

Thus, upon being asked why such minute groups as the Gypsies and Yakuts have complete cultural autonomy while the Jews have not, Vergelis quite logically said: "The Jews are already integrated; they are satisfied with a general Jewish culture." Upon being read a quotation from a Soviet journal that read: "What is a Jew's secular god? Money. Money, that is the jealous god of Israel before whom there is no other god," Vergelis coolly replied: "I read it and it does not bother me in the least. It is not the kind of Judaism I believe in that is being described in those articles."

And so, while the yeshivas in Russia are still closed and the synagogues diminish in number; while the physical well-being of the people is threatened and the spiritual life is being destroyed, Vergelis comes to deny it all.

Who—or what—is Aron Vergelis? We leave it to you, dear readers, to tell us.

MOSCOW EDITOR SAYS NO ANTI-SEMITISM IN RUSSIA

NEW YORK.—Aron Vergelis, editor of the Sovietish Heimland published in Moscow, and Robert Rozhdestvensky, a prominent Soviet poet, asserted here this week with great heat that there was no anti-Semitism in the Soviet Union, the latter insisting "a Jewish problem does not exist in the Soviet Union" and those in this country who say so are interested only in "interfering with the relaxation of tensions" between the United States and the U.S.S.R.

Mr. Vergelis and the Russian poet were members of a three-man group of Russians who held a press conference at the headquarters of the Soviet Mission to the United Nations. Most of the questions directed at the group, which was headed by another well-known Russian writer, Boris Polovoi, concerned the situation of the Jews in the Soviet Union.

Both Mr. Vergelis and Rozhedestvensky avoided direct answers in regard to closures of synagogues by Soviet authorities and denial to the Jews of the Soviet Union cultural rights. However, Mr. Vergelis did produce for the television cameras and other photographers a large colorful poster announcing in Russian a performance by Yiddish artists and said that there are more Jewish theatrical performances in the Soviet Union than there are in the United States. Challenged about the high percenage of Jews given the death sentence for alleged economic crimes in the Soviet Union. Mr. Vergelis said that the victims were sentenced merely as criminals and that no anti-Semitism was involved.

AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED—HOUSE AMENDMENT

The Senate resumed the consideration of the amendment of the House of Representatives to Senate bill 1703 to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. Under the order of yesterday, the Senate will now resume the consideration of the amendment of the House of Representatives to S. 1703, the Mexican laborer bill.

The pending question is on the motion of the Senator from Louisiana [Mr. ELLENDER] to concur in the House amendment, upon which 30 minutes of debate is permitted, to be equally divided and controlled, respectively, by the Senator from Louisiana [Mr. ELLENDER] and the Senator from Minnesota [Mr. MCCARTHY].

The Senator from Illinois [Mr. DIRKSEN] has requested a quorum call. Does the Senator ask unanimous consent that the time for the quorum call not be charged to either side on the bill?

Mr. DIRKSEN. Mr. President, I ask that my request be modified accordingly.

The PRESIDING OFFICER. Without objection, the request will be modified accordingly.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. Mr. President, I speak briefly in support of the motion made yesterday by the distinguished chairman of the Senate Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER]. His motion would call for the adoption by the Senate of the

bill as passed by the House, which would extend the operation of the Mexican labor act, or the bracero act, for 1 year only, from December 31, 1963, to December 31, 1964.

The Senate, by a single vote margin, adopted the McCarthy amendment, which was the amendment omitted by the House in the passage of its bill.

The House had the same subject before it—that is, the McCarthy amendment—and it disposed of it in this way: The House Agriculture Committee rejected the McCarthy amendment by a vote of 28 to 4. When the McCarthy amendment was considered on the floor of the House, it was rejected by a division vote of 79 to 131.

The bill as passed by the House calls for an extension of 1 year only, without the McCarthy amendment.

Statements were made on the floor of the House to the effect that 1 year would be the limit of the extension to be expected by those who are using Mexican braceros for the production and harvesting of their perishable crops.

I understand that the distinguished chairman of the Senate committee stated yesterday on the Senate floor that, so far as he and his committee are concerned, their commitment is to an extension of 1 year, and not beyond that time.

Without laboring the question, let me make two points. First, this program is one requested by the Mexican Government itself. I served in the Senate committee when this solution was arrived at. The Mexican Government wanted it done this way because it said that under the old program Mexican laborers moved, too frequently, from communities which had no problem of unemployment. The Mexican Government wanted to have the right to select the laborers who would come to this country from areas of unemployment, therefore to have charge of the selection and handling of their people.

That purpose was accomplished under this program. It was not accomplished under the former program. It will not be accomplished by the program which will be left on the books after this program ceases to exist.

As I have stated, therefore, first, the Mexican Government wanted this program. It gives the Mexican Government an opportunity to send laborers from areas where acute unemployment exists in their own country, and to know that their people will be fairly treated.

Secondly, we must consider the need for these laborers in our country. Despite the fact that the number of such laborers has greatly decreased in the last year about 200,000 of them came into areas producing perishable fruit and commodities, and some other commodities, but mostly perishable commodities, to help, in the main, in the cultivation and harvesting of highly seasonal and perishable crops, which must be harvested at the time they mature.

We are now in the middle of a harvesting year and a production year, depending on the area in which these laborers are employed, because they are employed from Texas, Arizona, New Mexico, and California, just outside Mexico, up through Colorado, Arkansas, and Michigan, where last year some seven or eight thousand were employed in harvesting the pickle crop.

I do not think it is fair even to think about eliminating this program and eliminating the possibility of the use of 200,000 laborers by those who have to depend upon obtaining laborers when they need them, when the crops are ready to be handled, and when they are doing that at this very moment in part of the area represented by the Senators from Arizona—and I see present the distinguished senior Senator [Mr. HAYDEN]—and by the Senators from California, who are interested in this program, and by the Senators from Texas, who are vitally interested in this program.

Mr. President, in my own State we do not use these particular laborers. We use, at times, laborers from the offshore islands under an entirely different arrangement, under which we pay much more than is paid in the case of Mexican laborers.

It would be very burdensome and difficult for the thousands of affected farmers to solve the problem in such a short time. Passage of the bill with the McCarthy amendment added to it would not solve the problem. I strongly support the pending motion.

Mr. ELLENDER. Mr. President, I yield 3 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I spoke at some length on this subject matter last night, and today I wish to make only two or three points, and to offer those points for the consideration of Senators.

First of all, I appreciate the position of the distinguished Senator from Minnesota [Mr. MCCARTHY], who opposes the motion of the Senator from Louisiana.

I am sure he does so in all sincerity. However, I say to him and to other Senators who are in his position that the senior Senator from Colorado would not presume to judge the conditions in Minnesota, New Jersey, New York, or any State other than my own. I hope that they will accord to those of us who are involved in this matter the same courtesy and the same consideration.

The main issue, so far as the Senator from Minnesota is concerned, is whether the Senate will accept the motion made by the distinguished Senator from Louisiana, or whether it will adopt the amendment which was in the Senate bill originally.

First of all, this is only a simple 1-year extension; and it would be a physical impossibility for the Secretary of Labor, within the 1-year extension, to put into effect the workmen's compensation provision, which must come under State laws, and implement the other conditions and provisions of the McCarthy amendment, before the expiration of the Act.

Therefore, in effect, the Senate would be indulging in an exercise in futility if it did not accept the motion made by the Senator from Louisiana.

The question has been repeatedly raised: What kind of program is this?

I wish again to call to the attention of the Senate the fact that three main conditions must be met by the Secretary of Labor—not by the farmer in the field, not by the hometown, not by the State—but by the Secretary of Labor, before braceros may be imported.

The first condition is that it must be found by the Secretary that there are not sufficient domestic workers who are able, willing, and qualified available at the time and place needed to perform the work for which such workers are to be employed.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. ALLOTT. Mr. President, I request that I may have an additional 2 minutes.

Mr. ELLENDER. I yield 1 minute to the Senator from Colorado.

Mr. ALLOTT. The second qualification that must be met is that the Secretary of Labor must determine that employment of such workers will not adversely affect the wages and the working conditions of domestic agricultural workers similarly employed.

The third qualification is that reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Mr. President, there are many articles which I should like to include in the RECORD. However, I ask unanimous consent that at this time there may be printed in the RECORD an article entitled "Bracero Program Is Vital Part of State's Agricultural Economy," published in the Centennial State Farm Bureau News; excerpts from the testimony of Robert M. Sayre before the House Agriculture Committee; and questions and answers concerning the Mexican national program.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Centennial State Farm Bureau News, July-August 1963]

BRACERO PROGRAM IS VITAL PART OF STATE'S AGRICULTURAL ECONOMY

The importance of Public Law 78 to the sugarbeet, lettuce and vegetable segments of Colorado's agricultural industry was emphasized by both producers and processors at a meeting with four members of the State's congressional delegation in Denver on June 21.

At a meeting arranged by Farm Bureau with Senators ALLIOTT and DOMINICK and Representatives BROTZMAN and CHENOWETH, both growers and processors outlined the need for continuation of the Mexican bracero program.

The situation was summed up in a very few words by George Bensheid of the Arkansas Valley when he told the Senators and Representatives that without this source of labor the vegetable industry in Colorado "has had it."

Unless Congress acts to reverse the vote cast in the House of Representatives late in May, Public Law 78 will expire at the end of this year. The proposed extension of the law was defeated on May 29, described by Representative CHENOWETH as very bad day to try to get serious consideration of the proposed legislation to extend the program.

Being the day before a holiday, many of the Members of the House were absent. The total vote on the measure was 158 to 174.

CHENOWETH pointed out that all but one member of Colorado's delegation in the House worked hard to save the law in the House.

All areas of Colorado were represented at the meeting with the Congressmen. In order to make best use of the time available, those attending the meeting selected spokesmen for the various interests represented.

Roy Inouye, member of the Colorado Farm Bureau board of directors and chairman of the of organization's labor committee, chaired the meeting. He pointed out that the meeting had been called to give both growers and processors and the elected officials an opportunity to discuss the labor problem and the possibilities of reviving the program.

Spokesmen selected were Richard Blake, sugarbeet growers; Fred Holmes, sugar processors; Wayne Escheman, letture growers and shippers; Paul Hoshiko, vegetable growers; and George Benshied, vegetable processors.

All spokesmen for the various interests agreed that loss of the program would result in a damaging blow to the economy of both the agricultural industry in this country, and the general economy of Mexico.

The bracero program provides Mexico with its third largest source of dollar income.

Senator GORDON ALLOTT commented in his remarks to the growers and processors that he believes that $1 paid to a Mexican worker does more good than $5 paid in foreign aid. Representative CHENOWETH put an even higher value on the program.

Wayne Escheman, in discussing the value of the bracero program in the lettuce production and shipping industry, pointed out that Colorado meets all the requirements for building a strong industry except an adequate supply of hand labor. He pointed out that domestic labor is not available to do the fieldwork which is now being done by the imported labor.

Richard Blake stated that the sugarbeet industry was shocked by the action of the House. The entire industry needs the program.

Without the bracero program, acreage of sugarbeets will have to be reduced. There is not enough mechanization, as yet, to meet production requirements.

Fred Holmes of the Great Western Sugar Co. told the Congressmen that the industry used to be able to recruit 18,000 domestic workers for fieldwork. Now, the recruitment program supplies only about 4,000 domestic workers.

Paul Hoshiko, vegetable grower in Weld County, brought out several points which concurred with later discussion of the values of the program in people-to-people and international relations. Hoshiko reported that he still corresponds with workers from Mexico who worked for him as long as 5 years ago.

In discussing the program, many points were brought out in reference to why the program has been and is successful and needed. Principal opposition to the program has come from organized labor and organizations which have a completely erroneous picture of the program and the way in which it is operated.

Senators ALLOTT and DOMINICK reported on the action they are taking in the Senate to try to get at least a 1-year extension of the program. Senator ALLOTT has introduced a bill calling for such an extension.

QUOTATIONS FROM ROBERT M. SAYRE'S TESTIMONY, HOUSE AGRICULTURE COMMITTEE ON S. 1703, MARCH 27, 28, 29, 1963

The second international consideration I should mention is the importance of the program to the economy of Mexico.

Remittances home from the braceros, estimated at least $100 and possibly twice this amount, not only have often substantially supported their families and relatives, but have contributed notably to cover the Mexican deficit in its trade and in repaying its loans. The Bank of Mexico estimated these remittances at $37 million in 1962.

The program also provides an important source of temporary employment for many thousands of Mexican workers. When it is recognized that the annual per capita income in many areas from which the Mexican workers come is approximately $100 it can readily be seen how important this supplemental income can be to the Mexican worker. This temporary program has thus fulfilled mutually satisfactory objectives: American farmers have been able to obtain temporary agricultural laborers and Mexican workers have been able to earn a fair income under labor conditions satisfactory to both governments.

I would also want to note that the sudden loss of the dollar income of Mexican workers would be a serious blow to their family income and constitute a significant loss of foreign exchange to Mexico.

The Department of State urges that the contribution to the economies of both countries be kept in mind in considering the continuance of this program.

The Department of State concurs with the Department of Agriculture that Public Law 78, as amended, should be extended at least a year beyond the present date of expiration.

QUESTIONS AND ANSWERS CONCERNING THE MEXICAN NATIONAL PROGRAM

1. Who are the agricultural workers who come in under Public Law 78 who are frequently defined as braceros?

Answer. They are Mexican agricultural workers who enter the United States under the agricultural agreement that exists between the two nations and who have been certified by the Secretary of the U.S. Department of Labor as being needed for the culture and harvesting of crops within the United States because of a lack of qualified U.S. workers.

2. What work are they permitted to perform?

Answer. The braceros are certified only for specific agricultural labor jobs for which American domestic workers are not available as determined by the Secretary of Labor. They can only be used in temporary or seasonal employment. They cannot operate power driven, self-propelling, harvesting, planting or cultivating machinery except in specific cases found necessary by the Secretary of Labor.

3. What safeguards are imposed in Public Law 78 to protect domestic agricultural workers?

Answer. Public Law 78 and the United States-Mexican Migrant Labor Agreement govern the importation of Mexican farmhands (braceros) as supplementary labor:

(a) The Secretary of Labor has complete authority to deny the employment of Mexican workers if qualified domestic workers are available.

(b) The Sercetary of Labor has complete authority to remove Mexican workers from employment if qualified domestics become available.

(c) Wages paid Mexican workers cannot be less than wages paid domestics for similar work.

4. Does the Mexican labor contribute to the Nation's unemployment?

Answer. No. All domestic farmworkers' jobs are protected. Under Public Law 78 supplemental workers cannot be contracted until all available domestic workers have been employed. Certification for the employment of supplemental Mexican national workers must be obtained from the State employment service, as well as the U.S. Department of Labor.

5. Does the use of foreign labor depress wages?

Answer. No, because Public Law 78 has a provision for the Secretary of Labor to determine whether or not the importation of such Mexican national workers under Public Law 78 has an adverse effect upon American domestic agricultural workers. Before foreign agricultural workers can be brought into any area, growers must agree to pay them the prevailing wage rate being paid to domestic agricultural workers in the area or such higher rates as determined by the Secretary of Labor to be necessary to avoid adversely affecting rates paid domestic workers. These rates are determined by periodic wage surveys based only on earnings of domestic workers.

6. Will unemployed American industrial workers perform agricultural stoop labor?

Answer. Experience dictates that the answer is "No." State unemployment insurance laws do not require unemployment insurance recipients to accept employment in an activity foreign to their usual type of work. In addition, such employees are reluctant to jeopardize their chances for skilled work by accepting unskilled agricultural jobs. Skilled industrial workers feel that it is beneath their dignity to accept stoop agricultural jobs. Even a high rate of unemployment in industrial areas will not produce workers for farmwork.

7. Does the importation of Mexican nationals contribute to the growth of large farms to the detriment of small farms?

Answer. No. The only small farmers who require supplemental Mexican national contract workers when domestic workers are not available are those who produce the type of crops that require large numbers of stoop farm laborers. These small farmers are assisted immeasurably in the culture and harvest of their crops by banding together in associations for the purpose of hiring domestic workers and, if needed, Mexican national workers. In many cases small farmers do not have a large enough operation to maintain either a domestic or a Mexican national crew. In either case, whether he is large or small, he is not permitted to have Mexican national workers except for temporary or seasonal use. The timing of the cultural practices or harvest of perishable crops is just as important to the small farmer as it is to the large farmer. If labor is not immediately available when needed, either can lose his entire crop.

8. Is Public Law 78 a hidden subsidy to users?

Answer. No. The recruitment costs to the grower for obtaining Mexican national laborers is greater than the costs of obtaining domestic labor. The charge is made that 1 percent of the farmers use this supplemental stoop labor. This is true, but the 1 percent who use this supplemental labor are those who produce the crops requiring the greatest amount of hand labor. For example, every spear of asparagus, every head of lettuce, every head of cauliflower, every shoot of broccoli, every tomato, cucumber, stalk of celery, every strawberry must be harvested by hand, and it is because of these highly specialized crops grown on 1 percent of American farms that it is necessary to use supplemental labor. Again it is pointed out that American domestic workers do not make themselves available for this type of work.

9. Will the termination of Public Law 78 have an adverse effect on availability of agricultural commodities to the consumer?

Answer. It is obvious that there will be an adverse effect on the consumer since curtailed production will force prices upward so that both fresh and processed fruits and vegetables will become luxury items. Farmers will not plant what cannot be harvested. These highly perishable crops must have hand and eye selection for quality. They do not lend themselves to mechanization at this time or in the foreseeable future, although efforts are being made to develop mechanical harvesting.

Mr. ALLOTT. Mr. President, I urge my friend from Minnesota to give those who are involved in this program and whose States need this program an op-

portunity to phase out the program, because otherwise many individual farm families will suffer in the next year.

Mr. McCARTHY. Mr. President, I should like to make a few observations on the comments which have been made by the Senator from Colorado [Mr. ALLOTT].

I have not been advocating that the program be killed. What I have been seeking to do is to have the program for the importation of Mexican laborers continued when it is found that there is a need for such importation, and that we should establish for American migratory workers and our potential domestic farmworkers conditions similar to those that are offered to the imported Mexican laborers, who come to this country in competition with American farmworkers.

It is rather interesting to note the comment of the Senator from Colorado when he said that Senators who do not have the same specific problem in their own States should more or less disqualify themselves and not have any judgment or take any position or express any opinion with regard to this particular problem.

Mr. President, I can qualify in that respect, because migratory workers are used in Minnesota, in the production of sugarbeets and other crops. Over the years some Mexican nationals have also been employed in Minnesota including a few in 1962.

In the debate several months ago, I suggested that if there are any States which could not produce sugarbeets without the use of imported Mexican laborers, Minnesota would be very glad to take over their share of the sugarbeet production and produce the sugarbeets without the use of Mexican laborers and solely with the use of American domestic farmworkers.

Mr. President, I believe that every Senator has an obligation to look across State borders at problems in other States.

We are not limited to consideration of problems which exist only in our own States. After all, this is the Senate of the United States. We do not back off from a consideration of a problem which may exist in another State. All of us should have an opportunity to study problems that exist anywhere in the country and to make recommendations to the Senate.

I do not say that the importation of Mexican workers is unnecessary. All I say is that before we give the growers the right to import Mexican nationals, we owe something to our own domestic farmworkers, to at least establish some of the same standards for them that we establish for Mexican laborers.

In the testimony it was clearly shown by the Department of Labor and the Department of Agriculture that since the program has been initiated, the hourly, daily, and even annual income of American migratory workers has gone down.

It can be said that other forces contributed to this decline, and that may be so, but the circumstantial evidence is very clear that the importation of Mexican laborers has had that effect. It is also clear that there is not a need for as many Mexican workers as are being brought into the country. They have had the effect of depressing wages and income.

All we request is that we establish reasonable, comparable conditions, and that these conditions be offered to American workers before certification for the importation of Mexican laborers is permitted.

The action we propose was approved by the Senate after prolonged debate. We are simply asking that our conferees have the opportunity to take our position to conference with the House of Representatives.

I reserve the remainder of my time.

Mr. ELLENDER. I yield 2 minutes to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, suppose that the crops of some of the farmlands of America are ready for harvest; suppose that the farmers on those farmlands cannot obtain the assistance of their fellow citizens in the harvesting of the crops simply because there are none available? What does the Congress propose to do about it? Is it suggested now that we turn our back on the American farmer and say to him, "Let the crops perish; that is your problem, not ours"?

Congress is aware, and ought to be aware of the problem. That is the reason why Public Law 78 was passed. It provides, in part, that the Secretary of Labor must first determine that there are no qualified American citizens available for employment by the American farmer in the harvest of his crops before he can permit the Government of Mexico to send, temporarily or on a seasonal basis, Mexican citizens to help American farmers.

The last time the Senate debated this issue, I told the Senate that I had the honor to be a member of the American delegation to the Mexican-American Parliamentary Conference, which met last spring in Mexico. I was the reporter of the panel of Mexican Senators and Deputies, and American Representatives and Senators, who sat around the table to discuss this and other problems.

The delegates from both nations were unanimous in favor of continuing the program.

There is no better program of foreign assistance than this program with Mexico, in which our friends from below the border can come here temporarily and then go home with a greater opportunity of establishing themselves in their own country.

I hope that this program will be approved by the Senate.

Mr. MILLER. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield 1 minute to the Senator from Iowa.

Mr. MILLER. Will the Senator yield me 3 minutes.

Mr. McCARTHY. I yield 3 minutes to the Senator from Iowa.

Mr. MILLER. I propose to vote for the motion by the Senator from Louisiana [Mr. ELLENDER], but I wish to make clear my position on the bill.

I said a long time ago that I thought the bracero program should be phased down. The Senator from Arkansas [Mr. FULBRIGHT] had introduced a bill which would have done so, but the bill did not receive favorable action. The need for some action in that direction is indicated.

So while I shall vote for the Ellender motion, I shall do so with the clear understanding that next year I hope to see some action directed toward phasing out the program, or at least toward phasing it down. Failing that, I may be persuaded to support some amendment along the line of the McCarthy amendment, with which I am in agreement in some respects.

Mr. HUMPHREY. Mr. President, will my colleague yield me 3 minutes?

Mr. McCARTHY. I yield 3 minutes to my colleague from Minnesota.

Mr. HUMPHREY. I hope the Senate will support its action taken at the time the McCarthy amendment to the so-called Mexican farm labor bill was adopted. One or two things ought to be noted before the vote.

As it went to the House, the Senate bill did not discriminate against Mexican workers. What was sought by the adoption of the McCarthy amendment was to provide for American laborers, American workers, conditions comparable to those that are provided in the agreement entered into between the Government of the United States and the Government of Mexico for the contracting of Mexican farmworkers. This point should be made crystal clear, because there are those who say that we are attempting to do something that would be injurious to our good friends south of the border—the citizens of Mexico who come to the United States, work on our farms, and thereby earn capital for the improvement of their living conditions.

The Senate has sought to make certain that American workers will not be discriminated against. If the Senate adopted the House bill—that is, the amendment that is before the Senate—American workers would be discriminated against merely because they are American citizens. The Senate version provides that American workers must be offered comparable conditions in transportation, housing, workmen's compensation, work guarantees, and all other benefits that are now offered to the imported Mexican workers.

The House version, because it does not contain the McCarthy amendment, would continue to deny to American nationals certain important benefits which are extended to Mexican nationals. That situation cannot be justified. Under present law and under the House amendment, American workers could get all these benefits if they went to Mexico, took out Mexican citizenship, and then were imported back to the United States as braceros. But American workers could not obtain such benefits if they applied for jobs in this country as American citizens.

The situation means that an American law, passed by the U.S. Congress, makes it a handicap for one having American citizenship to be an American worker. Such conditions cannot be justified.

One further point: The agreement between the Government of Mexico and the Government of the United States for the importation of Mexican workers also contains a prohibition against discrimination. I applaud that agreement; I salute it. For example, it contains a provision for complete equality of treatment in what are called public accommodations. The agreement between Mexico and the United States is a basic civil rights act. I applaud the agreement for achieving that purpose.

There is a prohibition against any discrimination. For example, the language of the agreement requires that the chief law-enforcement officer of the community in which Mexican workers are employed must require that no discriminatory acts be perpetrated against Mexicans in that locality, and further states:

In the event that the Mexican consul reports the existence of acts of discrimination against any Mexican because of ancestry or nationality, the local governmental officers who signed the statement will have such complaints promptly investigated and take such community and individual action as may be necessary to fulfill the community pledge.

In other words, the Mexican Government says, in effect, "If it is desired to have Mexicans employed in the United States, they must be given their full equal rights; there must be no discrimination. They shall have access to all places of public accommodation. They shall have access to every public facility in the United States without discrimination."

On that basis, the agreement is excellent. The McCarthy amendment does not alter that agreement; it supports it. The McCarthy amendment merely extends some of the same conditions to American workers.

I am hopeful that the Senate will support the action of the Senate and will not support what is considered to be discriminatory legislation passed by the House.

Mr. McCARTHY. I thank my colleague for his statement. The Mexican Government could in no way be offended by what the Senate intended to do by adopting my amendment. The Mexican Government ought to be pleased. We are merely trying to secure for Americans the same standards of employment as we have provided for Mexicans when they come to this country. The Mexican Government ought to be pleased to know that we are trying to raise the standards for American workers to the level we have insisted should be provided for Mexican workers before they come to the United States.

Mr. ELLENDER. Mr. President, I yield 1 minute to the distinguished Senator from Arizona.

Mr. HAYDEN. Mr. President, in support of the pending bill I would like to point out to my colleagues that the passage of the measure would not mean the displacement of one domestic farmworker by Mexican nationals. This program merely insures that farmers engaged in vegetable and similar agricultural production will have the supplemental labor force necessary to plant and harvest their crops next year. Most of the braceros are employed in areas where hot temperatures prevail. This factor, together with the arduous nature of the work, such as continual stooping, has made it impossible for these farmers to fill their necessary work forces from the domestic labor pool.

If Congress does not extend this program, many of our farmers will be forced to curtail production. This would raise the prices on the national market and would depress the agricultural economy in many parts of our country.

The present regulations under which the Secretary of Labor administers the program insures that no domestic farmworker is replaced by this "bracero labor" and that the wage standard paid for this type of work is not depressed.

Our farmers need at least this 1-year period in order to find a solution to their labor problem without curtailment of production.

Mr. ELLENDER. Mr. President, I yield 1 minute to the Senator from Texas [Mr. YARBOROUGH].

The PRESIDING OFFICER. (Mr. NELSON in the chair). The Senator from Texas is recognized for 1 minute.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent to have printed in the RECORD a table which shows the percentage of cotton harvested by machine in Texas and the average number of domestic agricultural seasonal hired workers in Texas. The table shows that the percentage of cotton harvested by machine in Texas has increased from 44 percent in 1959 to 78 percent in 1962; and it shows that the average number of domestic agricultural seasonal hired workers in Texas have decreased from 141,000 in 1959 to 127,000 in 1962.

I also submit, for printing in the RECORD, a memorandum of statistics on Texas agriculture in connection with the bracero bill; a memorandum of data on the Mexican farm labor program and its effects; and, finally, a table which is taken from page 13 of the House of Representatives Committee on Agriculture report (No. 722) on this bill.

There being no objection, the tables and memorandums were ordered to be printed in the RECORD, as follows:

1. Percent of cotton harvested by machine in Texas.

Year:	*Percent*
1962	78
1961	64
1960	58
1959	44

2. Average number of domestic agriculture seasonal hired workers in Texas.

Year:	*Number*
1962	127,000
1961	133,000
1960	137,000
1959	141,000

Source: BES, Department of Labor, In-Season Farm Labor Report.

MEMO TO SENATOR YARBOROUGH FROM ALLAN MANDEL RE STATISTICS ON TEXAS AGRICULTURE IN CONNECTION WITH BRACERO BILL

1. No 1963 figures are available on agricultural employmeint in Texas. Figures for agricultural employment, however, show a steady drop over the past 4 years.

Annual average agricultural employment for Texas:

1959	397,992
1960	383,891
1961	360,383
1962	343,100

Source: Bureau of Labor Statistics.

2. Average annual total unemployment rate for Texas:

	Percent
1959	4.6
1960	5.1
1961	5.6
1962	4.8

Source: Bureau of Labor Statistics.

3. Total number of Mexican workers contracted and recontracted in Texas, 1959–62:

1959	225,498
1960	140,308
1961	135,515
1962	36,289

Source: Minority views in Senate report on bracero bill.

4. Number of farms using bracero labor in Texas:

1959	22,310
1960	not available
1961	16,498
1962	13,092

Source: Bureau of Labor Statistics.

5. Total number of farms in Texas:

1959	252,000
1960	240,000
1961	232,000
1962	224,000

Source: Department of Agriculture.

DATA ON MEXICAN FARM LABOR PROGRAM AND ITS EFFECTS

(1) Peak employment of Mexican nationals in Texas totaled 136,200 in 1959. In 1962, a total number of 24,200 Mexican nationals were employed in the peak month. The total number of braceros employed in Texas in 1962 was 36,289; in 1961, 135,515.

(2) The extent of mechanization in Texas is illustrated by the fact that 35 percent of the 1958 crop was mechanically harvested in 1958 as opposed to 78 percent of the crop in 1962.

(3) A two-row cottonpicker cost about $18,000. It can do the work of 50 to 60 handpickers.

(4) The decline in employment of Mexican nationals has been matched by reduced number of domestic workers employed. This is because of mechanization. When a farmer mechanizes, he must go the complete route. This eliminates jobs for domestic workers as well as Mexican nationals.

(5) The peak employment of seasonal agricultural workers in Texas has fallen from 206,200 in 1959 to 180,400 in 1962.

(6) All farmers cannot afford to mechanize. The investment is too great for many. Land topography is also a controlling factor. Smaller farmers will continue to require supplemental labor. It is in their interest to have a supplemental labor program when domestic workers are not available.

(7) The Mexican labor program is important to the economy of Mexico. According to the Department of State remittances home from braceros are estimated to average at least $100 per worker and maybe twice this amount. The Bank of Mexico estimates these remittances at $37 million in 1962. The program offers an important source of temporary employment for Mexican workers.

Man-months of Mexican labor, by States, 1959–62

State	Man-months				Percent change, 1959–62	State	Man-months				Percent change, 1959–62
	1959	1960	1961	1962			1959	1960	1961	1962	
U.S. total	1,630,950	1,358,058	1,148,800	716,426	−56	Montana	3,257	3,376	3,122	2,644	−19
						Nebraska	2,733	2,712	2,474	2,715	−1
Texas	733,724	569,177	496,702	188,409	−74	Wyoming	1,816	1,852	2,423	2,010	+11
California	560,690	487,680	406,255	378,570	−32	Georgia	1,812	1,806	1,454	0	−100
Arizona	110,608	104,078	86,810	61,666	−44	Wisconsin	1,496	1,531	1,340	1,327	−11
Arkansas	84,689	78,436	52,988	18,664	−78	Utah	1,837	1,804	1,276	1,850	+1
New Mexico	81,368	60,362	46,783	17,888	−78	Tennessee	2,474	2,283	1,060	330	−87
Michigan	22,776	21,381	23,788	18,361	−19	All others	4,945	4,013	1,835	2,302	−53
Colorado	15,747	16,112	19,192	19,690	+25						

Source: Farm Labor Market Developments, February 1963, BES–USDL.

Mr. YARBOROUGH. Mr. President, this program is being phased out because of the increasing mechanization of agriculture in Texas.

In the past I have voted for correction of abuses in the bracero program, for the employment of American labor. Under the emergency now existing I will vote for a 1-year extension of it, for this year only. This 1-year extension will provide an opportunity to phase out the bracero program; and that development is inevitable because the use of both bracero labor and domestic agricultural labor is declining, as the result of the increasing mechanization of agriculture. I agree with the chairman, when he states that he will not bring out a bracero bill another year. I vote for this 1-year extension to enable American farmers to adjust their labor supply, to search for domestic labor, and to lighten the disruption caused by a too sudden termination of the program.

Mr. ELLENDER. Mr. President, I yield 1 minute to the Senator from Wyoming [Mr. McGEE].

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 1 minute.

Mr. McGEE. Mr. President, I wish to point out that in our area, bracero labor is of very great importance because of the sugarbeet industry. We have found this type of labor most important in connection with the harvesting of the sugarbeet crop.

Therefore, with the understanding that the proposed 1-year extension of the program will be "the end of the line," I hope the Senate will concur in the proposed 1-year extension, which will make good sense and will provide the small sugarbeet farmers with the opportunity they need to employ this type of labor.

Therefore, Mr. President, I urge the Senate to concur in the proposed 1-year extension of the program—and only a 1-year extension.

Mr. McCARTHY. Mr. President, how much time remains available to me?

The PRESIDING OFFICER. Three minutes.

Mr. McCARTHY. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 1 minute.

Mr. McCARTHY. Mr. President, I wish to have printed in the RECORD two telegrams which have come to me from Arizona. One of the telegrams is from Lawrence Anderson, of Arizona Vegetable Distributors. His telegram reads as follows:

PHOENIX, ARIZ.,
November 20, 1963.

Senator EUGENE J. McCARTHY,
Senate Building,
Washington, D.C.:

We are certainly opposed to any extension of Public Law 78 and we ask your help in defeating the passage of this bill. We have plenty of local labor which needs to work. We may have to pay higher wages but we should do this. This national bracero program has done nothing but give us over production in all forms of farming as the large farmers bring in such large amounts of labor it depresses all operations. We are small growers and this program is doing nothing but ruining all small growers. So we ask your help to defeat this program.

LAWRENCE ANDERSON.

The following telegram has been sent to me by Mr. A. W. Bodine, president of the Bodine Produce Co.:

PHOENIX, ARIZ.,
November 15, 1963.

Senator EUGENE J. McCARTHY,
Senate Building,
Washington, D.C.:

We would like to have your support in voting against any extension of Public Law 78. We are growers and shippers of fruits and vegetables farming over 3,000 acres in the Salt River Valley of Arizona. We have plenty of domestic labor available to do our work or they can be secured at slightly higher wages than we are now paying the Mexican nationals and it will certainly stabilize our fruit and vegetable growing operations. With the tremendous amount of labor in Arizona and California now in all districts it has caused our markets to become very demoralized and growers and shippers are facing losses of many thousands of dollars. We urge and request your support in this matter for an overwhelming defeat of Public Law 78. Thanks.

A. W. BODINE.

These two telegrams were sent to me by growers in Arizona.

I have also received the following telegram from Thomas L. Pitts, secretary-treasurer of the California Labor Federation, AFL–CIO, in San Francisco, Calif.:

SAN FRANCISCO, CALIF.,
November 15, 1963.

Senator EUGENE J. McCARTHY,
Senate Office Building,
Washington, D.C.:

Air mail specialing November 2 S. F. Examiner article on closing Dole Corp.'s Oakland cannery which employs 930 people during canning season. Of interest to Public Law 78 fight is Dole President Malcolm MacNaughton's reported statement: "Our Oakland plant was designed and equipped to process cling peaches, tomatoes, and tomato products. These products have been in chronic oversupply for several years, resulting in depressed prices and unprofitable operations at this plant."

THOMAS L. PITTS.

I ask unanimous consent to have printed at this point in the RECORD the article referred to in Mr. Pitts' telegram.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DOLE SHUTS CANNERY IN OAKLAND

Dole Corp., subsidiary of Castle & Cooke, Inc., announced yesterday that it is permanently closing its 410,000-square-foot Oakland cannery, but will continue to use the warehouse adjacent to it as a distribution center for Dole products.

"Our Oakland plant was designed and equipped to process cling peaches, tomatoes and tomato products," said Malcolm MacNaughton, Dole president. "These products have been in chronic oversupply for several years, resulting in depressed prices and unprofitable operations at this plant.

The plant at 5733 San Leandro Boulevard, formerly F. M. Ball Co., was acquired by Dole in 1955. It normally employed 120 year-round personnel and up to 930 people during the canning season.

Mr. McCARTHY. Mr. President, I reserve the remainder of the time available to me. However, I have not received any further requests for time; therefore, I am ready to vote, and I yield back the remainder of the time available to me.

The PRESIDING OFFICER. All remaining time has been yielded back or expired.

The question is on agreeing to the motion of the Senator from Louisiana [Mr. ELLENDER] that the Senate concur in the amendment of the House of Representatives to Senate bill 1703.

Mr. KUCHEL. Mr. President, on this question, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. McCARTHY. Mr. President, I rise for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Minnesota will state it.

Mr. McCARTHY. The pending question is on agreeing to the motion of the Senator from Louisiana that the Senate concur in the amendments of the House of Representatives to Senate bill 1703. Is it correct that if the pending motion is rejected, it then will be in order for

the Senate to request a conference with the House on the disagreeing votes of the two bodies to the amendment of the House to Senate bill 1703?

The PRESIDING OFFICER. Yes; but the question now before the Senate is on agreeing to the motion of the Senator from Louisiana [Mr. ELLENDER] that the Senate concur in the amendment of the House of Representatives to Senate bill 1703. On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BREWSTER (when his name was called). On this question, I have a live pair with the Senator from Florida [Mr. SMATHERS]. If the Senator from Florida [Mr. SMATHERS] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The legislative clerk resumed and concluded the call of the roll.

Mr. BEALL (after having voted in the negative). Mr. President, on this vote I have a pair with the senior Senator from Kansas [Mr. CARLSON]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. PROUTY (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from New Mexico [Mr. MECHEM]. If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Missouri [Mr. LONG], the Senator from Louisiana [Mr. LONG], the Senator from Washington [Mr. MAGNUSON], the Senator from Florida [Mr. SMATHERS], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] is absent because of illness.

I further announce that, if present and voting, the Senator from Alabama [Mr. SPARKMAN] and the Senator from California [Mr. ENGLE] would each vote "yea."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Louisiana [Mr. LONG]. If present and voting, the Senator from Massachusetts would vote "nay," and the Senator from Louisiana would vote "yea."

Mr. KUCHEL. I announce that the Senator from Kansas [Mr. CARLSON], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from New Mexico [Mr. MECHEM] are necessarily absent.

If present and voting, the Senator from Iowa [Mr. HICKENLOOPER] would vote "yea."

The respective pairs of the Senator from Kansas [Mr. CARLSON] and that of the Senator from New Mexico [Mr. MECHEM] have been previously announced.

The result was announced—yeas 50, nays 36, as follows:

[No. 261 Leg.]

YEAS—50

Aiken	Hart	Mundt
Allott	Hartke	Pearson
Bennett	Hayden	Randolph
Bible	Hill	Robertson
Boggs	Holland	Russell
Byrd, Va.	Hruska	Saltonstall
Cooper	Jackson	Simpson
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Talmadge
Dirksen	Kuchel	Thurmond
Dominick	Lausche	Tower
Eastland	McClellan	Walters
Edmondson	McGee	Williams, Del.
Ellender	Miller	Yarborough
Ervin	Morse	Young, N. Dak.
Fulbright	Morton	Young, Ohio
Goldwater	Moss	

NAYS—36

Anderson	Gruening	Monroney
Bartlett	Humphrey	Muskie
Bayh	Inouye	Nelson
Burdick	Javits	Neuberger
Byrd, W. Va.	Johnston	Pastore
Cannon	Keating	Pell
Case	Mansfield	Proxmire
Clark	McCarthy	Ribicoff
Dodd	McGovern	Scott
Douglas	McIntyre	Smith
Fong	McNamara	Symington
Gore	Metcalf	Williams, N.J.

NOT VOTING—14

Beall	Hickenlooper	Mechem
Brewster	Kennedy	Prouty
Carlson	Long, Mo.	Smathers
Church	Long, La.	Sparkman
Engle	Magnuson	

So Mr. ELLENDER's motion to concur in the amendment of the House of Representatives to Senate bill 1703 was agreed to.

Mr. ELLENDER. Mr. President, I move that the vote by which the motion was agreed to be reconsidered.

Mr. HOLLAND. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

HUMAN RIGHTS

Mr. RIBICOFF. Mr. President, my good friend and former colleague in the Cabinet of President Kennedy, Justice Arthur Goldberg, is an American of whom we can all be proud. His dedication to duty and high concepts of service have been fruitful both for his country and his fellow citizens. He recently presented a thoughtful and scholarly paper on the meaning of human rights and the denial of those rights to Jews in the Soviet Union. Justice Goldberg addressed the Jewish Theological Seminary of America's Louis Marshall Award dinner. I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

HUMAN RIGHTS

(Address by the Honorable Arthur J. Goldberg, Associate Justice, U.S. Supreme Court, at the Louis Marshall Award dinner of the Jewish Theological Seminary of America, New York, November 17, 1963)

I am deeply honored to have received an honorary degree from the Jewish Theological Seminary greatly respected as it justly is for profound scholarship and uncompromising devotion to Jewish learning.

As an outstanding rabbinical school, the seminary, in its teachings, demonstrates that fidelity to Judaism is also devotion to the moral heritage of our civilization. Jewish tradition instructs us to turn inward and to set the true value on our days and works; to find the purposes for which we spend the few years granted to us and to ask whether individual dignity and freedom prosper in our cause.

This seminary and its preeminent place among institutions of Jewish learning is testimonial to the belief shared by Jews throughout the centuries that man's mind and spirit will not relinquish the faith most precious to him, regardless of the torment and suffering through which he must pass.

The sacred text and commentaries which form the subject of the seminary's studies necessarily bring to mind man's ancient and continuing struggle for human rights—the rights of man.

In my service on the Supreme Court I often have occasion to reflect upon the origins of the human rights which are proclaimed in the Constitution of the United States. It would be a mistake to assume that they derive solely from English constitutional history—from Magna Carta or the English Bill of Rights or from John Locke's philosophy, although much is owed to English Barons and philsophers alike. The roots of our contemporary conceptions of human rights reach much deeper in time and thought.

Many commentators have noted the historical connection between our modern views of the rights of man and older natural law thinking which Western civilization inherited from Graeco-Roman culture.

When Lord Coke told King James that the King, though not under any man, is under "God and the law" he was merely paraphrasing Sophocles. For it was the great Greek dramatist in Antigone who had the heroine defy the king by appealing to a "higher law" than the positive law of the state: "Nor did I deem that thou, mortal man, couldst by a breath, annul and override the unwritten immutable laws of heaven; which were not born today or yesterday; they die not, and none knoweth whence they sprang."

But the sources of our Bill of Rights are more ancient even than the Greeks—they reach back to Biblical times and to Judaic-Christian teachings and tradition. The Old and New Testament teach that all men have rights—that every individual has rights because as a child of God he is endowed with human dignity.

The framers of our Constitution were men of varying degrees of property and of education but they shared one thing in common, in addition to patriotism, knowledge of the Holy Scriptures—a household book in colonial times when other books were often unavailable or lacking.

Our Court in its opinions reviewing our Nation's history has often had occasion, including a most recent one, to acknowledge the indebtedness our constitutional theory owes to religious teachings.

In the recent and much commented upon prayer decision (*Abington School District* v. *Schempp*, 374 U.S. 203, 213) Mr. Justice Clark speaking for the Court said: "The fact that the Founding Fathers believed devotedly that there was a God and that the unalienable rights of man were rooted in Him is clearly evidenced in their writings, from the Mayflower Compact to the Constitution itself."

Mr. Justice Black, also speaking for the Court, in *Engel* v. *Vitale*, 370 U.S. 421, 434 observed: "The history of man is inseparable from the history of religion. And * * * since the beginning of that history many people have devoutly believed that 'More things are wrought by prayer than this world dreams of'."

Mr. Justice Douglas for the Court in *Zorach* v. *Clauson*, 343 U.S. 306, 313 gave

specific recognition to the proposition that "We are a religious people whose institutions presuppose a Supreme Being."

And in the Prayer case I pointed out that: "Neither government nor this Court can or should ignore the significance of the fact that a vast portion of our people believe in and worship God and that many of our legal, political, and personal values derive historically from religious teachings."

The Torah teaches what our Bill of Rights recognizes that the history of man's struggle for freedom is in large degree a struggle against oppressive procedures. Both Scriptures and the U.S. Constitution afford the right, basic to a fair trial, to know the charge and to have an adequate opportunity to defend; the right to confront the accuser; the privilege against self-incrimination; protection against double jeopardy; the right to a speedy trial; the right to a trial by a fair and impartial judge; and numerous other procedural safeguards essential to due process of law.

It is commonly assumed that the presumption that a man is innocent until proven guilty is solely an Anglo-Saxon conception. In the ancient Jewish tradition, however, this presumption was so broadly applied that if, in a meeting of the Sanhedrin, no judge volunteered, at the outset, to say a good word for the accused; the case had to be laid over, to give the accused the benefit of reflective application of this great principle.

The noble concept, equal protection of the laws, symbolized by the inscription on the entrance to the Supreme Court building: "Equal Justice Under Law" was long foreshadowed in the famous passage from Leviticus 19: 15: "Ye shall do no unrighteousness in judgment; thou shalt not respect the person of the poor, nor honour the person of the mighty; but in righteousness shalt thou judge thy neighbor."

And fair treatment of neighbors in Holy Scriptures included fair treatment of aliens as well as Jewish citizens.

It is no accident that communism, a materialistic philosophy, stands opposed both in theory and practice to the basic conception of the Bible and of our Constitution enthroning the human rights of individuals. As Professor Cranston has stated in his excellent book, "What Are Human Rights": "Marx regarded the notion of rights of man as a bourgeois illusion; he was opposed to the individualism which underlies the classic doctrine of rights—and by individualism he meant the belief that each particular human person is a unit of value and an end in himself. Marx believed in humanity, in the whole, collective mass of mankind, and he argued that this humanity would come into its own when men ceased to think and feel as individuals with separate inalienable rights."

I mention these differences between these conflicting ideologies not for historic or academic interest but because they have important significance in this very day, as I shall later point out. The patriarchs and sages and the Founding Fathers shared another important idea about the safeguarding of human rights. Both recognized that for the meaningful assertion of these rights, judicial machinery must be provided for their enforcement. From the earliest times, in Judaic tradition, the great rights of man though divinely proclaimed were not deemed self-executing ordinances. On the contrary they were Torah—"law" to be interpreted and adjudicated by the Sanhedrin and other courts.

The practice of judicial review is a very old and never challenged part of Jewish tradition. The great sages were at one with the great Chief Justice, John Marshall in decreeing that supreme law—in the case of the sages scriptures, in the case of Marshall, the Constitution—had to be interpreted and applied by courts to have true meaning and significance.

They both recognized that human rights to be safeguarded must be more than ethical preachments, they must be positive law—legally enforceable standards as well as moral ideals.

The age-long quest for universal adherence to end enforcement of human rights culminated in our times in the provisions of the charter of the United Nations which "reaffirmed faith in fundamental human rights and the dignity and worth of the human person." Furthermore, by the charter all member states pledged themselves to take separate and common action for the recognition of these fundamental values.

The charter of the U.N. reflected the consciousness of mankind that the persecution, expulsion and extermination of millions of human beings, including the great body of European Jewry, during World War II exceeded any denial of human rights recorded in the previous history of civilization. This bitter experience awakened world opinion to the importance of extending international protection to the individual.

The United Nations at its meeting in May 1946 established the Commission on Human Rights charged with the responsibility of submitting to the General Assembly recommendations and reports regarding "An International Bill of Rights." Mrs. Eleanor Roosevelt, of blessed memory, was elected Chairman of the Commission.

The Commission on Human Rights thereupon drafted that great document which properly takes its place in the annals of human liberty known as the Universal Declaration of Human Rights. The declaration is really in two parts. One deals with economic and social problems, the other with political and civil rights. It is the latter that I discuss tonight because of its relationship to my theme.

The Universal Declaration of Human Rights, like our Constitution and like the Bible, proclaims the dignity of the human person, and defines the rights of man as rights which belong to him simply because he is a man.

Regretfully, the universal declaration provides no means of enforcement. The Communist bloc countries in alliance, sadly enough, with our own and other Western countries objected to the setting up of international machinery for implementation on the untenable grounds that this "would tend to undermine the sovereignty and independence of states." Americans and the ancient Hebrews knew otherwise; they both knew, by historical experience, an unimplemented declaration of human rights amounts only to a manifesto, a statement of ideals and not binding law.

Our Government in 1953 went so far as to announce that it would not sign any treaty on human rights drafted by the United Nations to implement the declaration. This remained our position until 1961 when Mrs. Roosevelt returned to the U.N. and once again announced our support of a binding treaty regarding human rights.

The time is overdue for the adoption of such a treaty and for the establishment of an International Court of Human Rights to implement the essential civil rights of the universal declaration.

Some men of good will believe that world justice through the rule of law can be achieved only with the creation of a full-fledged super state in which all nations are merged—a super national organization that has political and military control over all of its units. My own view accepts Dean Roscoe Pound's premise that "all states need not be merged in a great world state, in which their personality is lost, in order that their conduct may be inquired into and ordered by authority of a world legal order."

I agree with my colleague Mr. Justice Brennan, who is one of the world's leaders in urging international protection for the great rights of man, that: "All that seems necessary is that the United Nations signatories ordain by a simple treaty statute a structure and scheme for securing international due process of the nature of the national due process familiar to every American: a prompt and speedy trial; legal assistance, including assistance for the indigent; prohibition of any kind of undue coercion or influence; freedom to conduct one's defense; the right to a public trial and written proceedings; the presumption of innocence and the burden upon the state to prove guilt beyond a reasonable doubt; and security against cruel and unusual punishments. These standards of due process, and thus of effective justice, only words now in the Universal Declaration of Human Rights, have their counterparts in our own U.S. Constitution. The vital difference, however, is that our Nation has vitalized them for our people through a national forum and a national procedure for their enforcement."

The establishment of an International Court of Human Rights is not a new or impractical idea. Indeed a beginning has already been made in the creation in 1953 by the 15 countries of the Council of Europe of the European Court of Human Rights, and a Commision of Human Rights which may receive complaints from individuals or groups, or from member nations, of alleged violations of a wide range of human rights.

The absence of an International Court of Human Rights increases the obligation of all who believe in the dignity of man to protest the denial of human rights whenever or wherever it occurs.

The denial of human rights by the Soviet Union to Jews is properly a matter, therefore, of deep concern to all Americans of every religious persuasion.

The evidence of discrimination against Jews by the Government of the Soviet Union is overwhelming.

The 2½ million Jews of the Soviet Union, though classified by the Soviet Constitution and laws as a national group are deprived of their national culture and the means of expressing it. Every other Soviet nationality is permitted the use of its national language and is granted support for its cultural institutions. But the teaching of Hebrew, the biblical language, is banned in the Soviet Union; Yiddish, the tongue of 450,000 Soviet citizens, is discouraged; Jewish schools virtually prohibited and nonexistent; the once flourishing Yiddish theater scarcely tolerated and Jewish literature and publications sharply curtailed.

The religious freedom of Soviet Jews is severely limited—more so than any other religious group; increasingly synagogues are closed and private worship restricted; both Bible and prayer books are denied reprinting; other necessary religious articles made unavailable; the last Kosher butcher shop in Moscow closed down, the ancient Jewish cemetery in Kiev condemned; the state baking of matzoth discontinued; private baking discouraged by prosecutions; the training of Seminarians hampered and religious exchanges discouraged.

Jews are vilified in the Soviet press and other mass media which reffect hostility to the Jewish People as such.

Jewish emigration even for the limited purpose of reuniting families torn asunder by war and Nazi persecution is permitted only on the most insignificant scale.

There is increasing evidence of discrimination against Jews in employment and areas of public life.

Finally, there is also evidence that an undue proportion of Jews is being prosecuted and executed for economic crimes.

No law-abiding citizen of any nation and particularly no judge can urge that any person or group is immune from the equal application of any nation's laws. But when 60 percent of those executed in the Soviet Union for economic crimes are Jews who

Public Law 88-203
88th Congress, S. 1703
December 13, 1963

An Act

77 STAT. 363.

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 510 of the Agricultural Act of 1949, as amended, is amended by striking "December 31, 1963" and inserting "December 31, 1964".

Mexican farm labor program. Extension. 75 Stat. 761. 7 USC 1461 note.

Approved December 13, 1963.

LEGISLATIVE HISTORY:

HOUSE REPORT No.722 accompanying H.R. 8195 (Comm. on Agriculture).
SENATE REPORT Nos. 372 and 391 (Comm. on Agrioulture and Forestry).
CONGRESSIONAL RECORD, Vol. 109 (1963):
Aug. 15: Considered and passed Senate.
Oct. 31: Considered and passed House amended in lieu of H.R. 8195.
Dec. 3: Senate debated motion to conour in House amendment.
Dec. 4: Senate agreed to House amendment.

GPO 99-139

3540E

U.S.D.A.
SEA/TIS
LAW LIBRARY
ROOM 1406 SOUTH
WASHINGTON D.C. 20250